



## COMMISSION MEETING MINUTES

February 16, 2023

11:30 a.m. – 1:30 p.m.

Virtual meeting via Zoom

Presiding: Justice John C. Few

In attendance:

Members:

The Hon. John C. Few  
Hannah Honeycutt  
Charles Boykin  
Anne Caywood  
Elizabeth Chambliss  
Larry Cunningham  
Emma Dean  
Will Dillard  
Olivia Jones  
Chris Koon  
Tonnya Kohn  
The Hon. Mary Lewis  
Tope Leyimu

Anthony Livoti  
Mary Lucas  
Clarkson McDow  
Al Parker  
Aparna Polavarapu  
Dawn Przirembel  
Megan Seiner  
The Hon. Joseph Strickland  
La'Jessica Stringfellow  
The Hon. John Waites  
Jeff Yungman

Guests:

Jason Bobertz  
George Cauthen, *Nelson Mullins*  
Karama Herrington, *SC Court*  
*Administration*

Lucy Banks Smith  
Blake Williams, *Nelson Mullins*

### **1. Welcome and Introductions**

Justice Few welcomed everyone to the commission meeting and introduced our guests. He welcomed new members Judge Mary Lewis, from the US District Court for the District of South Carolina, and Emma Dean, new Executive Director of the South Carolina Bar.

## **2. Approval of October 20, 2022 Minutes**

Chris Koon moved to approve the minutes from the Commission's October 20, 2022 meeting. Clarkson McDow seconded the motion. The minutes were approved unanimously.

## **3. *In Forma Pauperis* Rule Change—SC Bar Petition & SCATJ Resolution - Justice Few**

Justice Few gave an update on the status of the SC Bar's petition for, and the Commission's resolution in support of, a change in Rule 3 of the SC Rules of Civil Procedure that governs determination of *in forma pauperis* status. In the fall, the Bar submitted a petition to the Supreme Court asking for a change in the rule that would create a presumption of indigence if the litigant's net family income is at or below the federal poverty guidelines. The Court asked the Commission for its input and the Commission quickly formed a working group—which included Chris Koon, Richele Taylor, Aparna Polavarapu, Clarkson McDow, and Jason Bobertz—to consider the petition and draft a resolution. The full Commission considered and voted on the resolution supporting the Bar's petition via email in December. Justice Few recognized the working group's efforts in getting this work done very quickly.

Justice Few reported that, because the rule change affects practice and procedure, it must be submitted to the legislature for approval. While the Court did not submit the proposed change to the legislature by the February 1 deadline, he emphasized that the change is still on the table and will be taken up again before the 2024 submission deadline.

## **4. Request for Resolution in Support of a Rock Hill Homeless Court Program - George Cauthen & Blake Williams, Nelson, Mullins, Riley & Scarborough**

Justice Few recognized George Cauthen and Blake Williams, emphasizing the contributions George has made over the years to the Access to Justice Commission.

Blake began by talking about the Rock Hill Homeless Court program, which has been in the works for the past three years. After a Covid hiatus, Blake and George were able to convene all the stakeholders they have involved when helping other cities develop Homeless Court Programs, including the solicitor and public defender offices, community members, bar members, and service providers for the homeless. They worked as a subcommittee to develop guidelines for the program and asked for the Commission's support of the program in Rock Hill.

The [Commission's resolution](#) in support of the Rock Hill Homeless Court Program passed unanimously.

Blake then gave an update on their effort to establish a Homeless Court for the County of Beaufort. All Homeless Courts established in South Carolina have been city programs; this would be the first county-level program in the state. Originally, the City of Beaufort reached out about a program, and the stakeholders came to the conclusion that a county-wide program would serve them best. A memo about the process and the program guidelines was included in the meeting materials.

Hannah asked Blake to explain for our new members how the Homeless Court Programs work and what the benefit is to the homeless population and communities they serve. Blake explained

that the purpose of the courts is not to serve an adjudicatory or prosecutorial function, but to help homeless people who may have criminal charges or convictions overcome barriers that may be hindering their reentry into society. The courts are designed to help people meet treatment goals, find housing, and actively work towards reentry. For criminal charges that are presenting barriers, the result of successful completion of the program is dismissal of pending charges, or having old convictions reopened and vacated. Community participation and collaboration with the local bar and legal aid allows for holistic, wraparound services for clients who may have issues beyond criminal charges, such as getting an ID, or accessing housing or healthcare.

Blake recommended an article co-authored by George Cauthen for the SC Lawyer Magazine about the programs entitled “Homeless Courts: An Alternative to the Criminalization of the Homeless” (May 2019). A Commission member who is a legal aid attorney offered that in his work they often refer to these courts as “recognition courts,” whose purpose is to recognize the efforts people are making to better their lives and remove barriers getting in the way of that success.

There was a discussion about what it might take for the Commission to consider expansion of these programs statewide. Blake suggested that the first step would be to have a successful county-wide program like the one they are starting work on in Beaufort. Possible issues might be the size of the homeless population in a given area, or a lack of community service providers to support the program in other areas.

## **5. Committee Updates**

Justice Few introduced the next agenda item by stressing that the involvement of Commission members in the committees is a vital component of the impact of the Commission. He encouraged new members to get involved and established members to continue their active involvement.

### **a. Commission Governance - *Chris Koon & Mary Sharp***

Chris Koon gave the update for the Commission Development Committee, whose membership is as follows:

- Micah Caskey
- Larry Cunningham
- Chris Koon
- Tope Leyimu
- Andrea Loney
- Mary Lucas
- Dawn Przirembel
- Megan Seiner
- Mary Sharp
- Jeff Yungman

Chris reported that the Governance Committee had considered and identified a nominee to fill the seat on the Commission reserved for a member of the Association of Corporate Counsel, which was recently vacated. The Committee recommended Michelle Clayton to fill that position.

Chris also let the six members whose terms are ending at the end of this year know that they are eligible for an additional term and that someone from the committee will be reaching out before the end of the year to confirm whether or not they would like to serve an additional term.

Justice Few emphasized the importance of having Commission members who are engaged, interested in access to justice, and willing to do the Commission's work. He thanked Chris for the work the Governance Committee has done to identify these people.

**b. Outreach & Communications** - *Will Dillard & Anthony Livoti*

Will Dillard and Anthony Livoti gave the update for the Outreach & Communications Committee, whose membership is as follows:

- Judge Addy
- Justin Bradley
- Charles Boykin
- Elizabeth Chambliss
- Will Dillard
- Anthony Livoti
- Margie Bright Matthews
- Clarkson McDow
- Aparna Polavarapu
- La'Jessica Stringfellow
- Richele Taylor

Will updated the Commission on the committee's recent meeting, where they discussed the upcoming Legal Needs Assessment launch and ways to get the word out about the study. The committee discussed sharing the report on different attorney and judicial listservs, and identifying local media beyond large papers like The State and The Post & Courier.

Anthony also pointed out that there are members of the Commission who serve on various professional associations like the SC Defense Trial Attorneys Association and the SC Association for Justice and suggested we make sure that we leverage those contacts to get the word out about the study. He also suggested reaching out to local bar associations our members may be a part of.

Justice Few highlighted a recent success for Outreach & Communications, when Anthony connected the Commission with the Defense Trial Attorneys Association. This past October, Hannah, Justice Few, Anthony, and Mary Willis (of the Ethridge Law Group in Charleston) participated in a presentation and panel discussion about access to justice at their annual meeting in Florida. The response from that event was tremendous and many firms and attorneys have reached out the Commission about how to get involved. Justice Few encouraged members to take advantage of more of these connections and spread the word about the Commission's work.

**6. Law School Debt**

**a. Update on October Law School Debt CLE** - *Hannah Honeycutt*

Hannah reported that the Commission held its second CLE on law school debt in November. The first of these programs was held virtually in 2021 and open only to staff from legal aid

organizations around the state. The CLE in November was held in person in Columbia and open to any attorney who wanted to attend.

The program, entitled “Law School Debt and the Path to Financial Freedom,” is presented by Jordan Roberts, an attorney and financial advisor from Greenville. Jordan covers the student debt crisis, different repayment plans with a focus on Public Service Loan Forgiveness (PSLF), the recent announcements about the Biden administration’s one-time debt forgiveness plan, and general advice about how to feel in control of your finances.

Hannah explained that this is a problem that is personal to public service attorneys all around the state. In its work, the Commission is always trying to identify barriers to access to justice, and keeping attorneys involved in public service work is crucial to access to justice. PSLF specifically is important for recruitment and retention of attorneys at legal aid organizations. Many attorneys feel that they cannot take a lower-paying position at a legal aid organization because of their debt; the PSLF program helps make those jobs accessible for attorneys who might otherwise not be able to take them. According to [a study from the National Legal Aid and Defender Association \(NLADA\)](#), “PSLF has expanded access to justice by improving both the quality and availability of legal representation for low-income Americans.”

#### **b. Group Discussion**

A public service attorney on the Commission offered that she has been told by others that if she sought out a corporate law job instead of staying in public service she could pay off her loans faster and she would be better off. She highlighted this tension that is pulling a lot of very good talent away from public service jobs, which include not only legal aid, but also basic government services that everybody needs. She also pointed out the very high number of vacancies for entry-level government attorney jobs and that salaries are not keeping up with inflation, which compounds the problem. Additionally, many law students seem to be unaware of the PSLF program and simply assume that lower-paying public interest jobs are not an option for them. Another public service attorney on the Commission offered that she did not enter a public interest career until her forties because of concern about finances.

Hannah asked for members’ thoughts about other ways the Commission can engage with this issue. There was a support for a suggestion to somehow track data about how many attorneys in South Carolina are in public service jobs, longevity in those positions, etc. Our law school representative members offered that law schools do track employment data for a specific amount of time after graduation, and there have been some longitudinal studies at the national level through the National Association for Law Placement (NALP). Tonnya Kohn offered to have Court Administration’s IT staff sit down with Hannah and others from the Commission to puzzle through how we could capture such data.

Professor Chambliss also said that in her time as the faculty advisor for the Public Interest Law Society (PILS) at USC, she has seen students express frustration with lack of information about what public interest opportunities there are in South Carolina. She said USC Law is hosting a public interest job fair and the NMRS Center on Professionalism funds scholarships for public interest summer work. She asked that anyone who knows of opportunities for unpaid

public interest work that might like to partner with the Center for a scholarship opportunity to please reach out to her.

Many members expressed the value of education about the issues and PSLF specifically, which can be incredibly complicated. It was suggested that the Commission sponsor presentations about PSLF at each of the two law schools.

### **7. Executive Director Update - *Hannah Honeycutt***

Hannah gave an update on our Legal Resource Finder. She reiterated her desire for South Carolina to have one resource for people to go and find legal help that would get them where they need to go—not give them another phone number to call or send them down the road to another office, but get them where they need to be from one platform. The Legal Resource Finder is the beginning of this vision.

The Legal Resource Finder is about to get a new update. Hannah is working with Georgetown, whose students helped develop the first version of the app, and staff from Neota Logic (the app platform) to update the poverty guidelines the app uses to determine financial eligibility for the new year, as well as make it usable not just for members of the public, but also participants in a new program in Charleston that trains community service providers to identify legal needs that their clients might be having and refer them to legal help.

Hannah reported that the Legal Resource Finder has been particularly useful for court staff who field a lot of questions about where to find help and are often at a loss for where to send people. She reviewed the “Welcome to South Carolina Court” poster and “Looking for Legal Help?” flyers that the Commission’s SRL Committee helped her develop. Both are bilingual, include a QR code linking to the Legal Resource Finder, and are being distributed to clerk’s offices throughout the state. Additionally, the Resource Finder can now be translated into multiple languages. Hannah did a walk-through of the Legal Resource Finder so that Commission members could see how it worked.

Hannah then reviewed the analytics for the Commission’s website. Visits to the site have increased 39% month over month and 240% year over year. Our top page continues to be the Family Cases section of our Looking for Legal Help page. People are consistently and often finding that page via web searches. The main Looking for Legal Help page is a close second and has edged out the Family Cases section a few times. The QR codes on the posters and flyers being distributed to clerk’s offices link directly to the Looking for Legal Help page. This increase in visits to the Looking for Legal Help page suggests that people are using those posters and flyers to find their way to our website.

Hannah reviewed several recent and upcoming Commission events:

- November 3: Law School Debt & the Path to Financial Freedom (details above)
- November 4: SCDTAA Annual Meeting (details above)
- December 12-14: National ATJ Chairs Meeting
  - The National ATJ Chairs Meeting is an annual gathering of access to justice chairs and leadership from across the country. The event is usually held in

person but due to the continuing pandemic was held virtually this year as a series of webinars. Three people from the Commission attended: Hannah, Al Parker, and Olivia Jones.

- January 19-22: SC Bar Convention
  - The Commission hosted a table at the SC Bar Convention this year. Hannah thanked Megan Seiner and her staff at the Bar Foundation, who set up the table for us in Hannah’s absence, as well as Will Dillard, Mary Lucas, Anne Claywood, and Judge Malphrus who volunteered their time to staff the table.
- January 19-21: LSC Innovations in Technology Conference, Phoenix, AZ
  - For the first time this year, Hannah attended this conference, which brings together legal aid professionals from around the country and world to discuss and learn about emerging legal technology that can advance legal services delivery and access to justice.
- February 21: SC Statewide Civil Legal Needs Assessment Launch Event (details below)
- May 4-6: Equal Justice Conference, Dallas, TX
  - The Equal Justice Conference is an annual gathering of legal services and pro bono advocates from across the country. The emphasis of the conference is always to strengthen partnerships between key players in the justice system, which aligns perfectly with the Commission’s work. South Carolina used to have a very robust delegation attend this conference, with attendees from the Commission, the Bar, SC Legal Services, and other legal aid organizations, but that has tapered off over the years. Hannah encouraged Commission members to consider attending.

## **8. Statewide Civil Legal Needs Assessment - *Hannah Honeycutt, Elizabeth Chambliss***

### **a. Preview of Report, Findings, and Web Presentation**

Hannah and Professor Chambliss gave a presentation on the Statewide Civil Legal Needs Assessment report, which will launch on February 21. They reviewed the purpose and methodology of the study—which is a partnership between the Commission, the South Carolina Bar, the NMRS Center on Professionalism at USC Law, and the UNC Greensboro Center for Housing & Community Studies—and previewed the findings.

The study incorporates findings from 28 key informant interviews, 14 focus groups, community and practitioner surveys, administrative data analysis, and geographic socioeconomic profiles. Research took more than 18 months and is incredibly comprehensive. Hannah emphasized the richness of the qualitative data in the study, which includes findings from the key informant interviews and focus groups. The report as a whole very intentionally centers the voices of legal aid attorneys and the public.

Hannah encouraged members to look out for the Executive Summary, the full report, a web presentation (“story maps”), and a data dashboard as we complete the rollout. Professor Chambliss pointed out that one thing the report does not do is make recommendations for how to act in response to the findings. This was intentional. One value of having an outside research team (UNCG CHCS is based in North Carolina) is to make sure that the research is independent and the conclusions are separate from those of the funders or any particular group. Instead of

the sponsors, the steering committee, or the researchers trying to form specific recommendations, the report elicits ideas from the people in the field based on interviews, focus groups, and surveys of attorneys and the public. The researchers asked at the end of each of these research stages, “what would make things better?” While the report synthesizes and presents these ideas, it stops short of making specific recommendations. The report is intended to start conversations and encourage different stakeholders to use it as a database for making factually informed decisions, as well as an impetus for getting people involved.

#### **b. February 21 Launch Event**

The Statewide Civil Legal Needs Assessment Launch Event will take place on February 21 at 4:00pm at the South Carolina Supreme Court. A reception sponsored by the NMRS Center will immediately follow at the USC School of Law. Chief Justice Beatty and Justice Few will speak at the launch event and Dean William Hubbard will speak at the reception at USC Law.

In order to encourage everyone to attend the launch event, the Commission meeting today was held virtually because of how close it was to the date of the event.

#### **9. Other Business**

It was announced that Hannah has been selected as a recipient of the USC School of Law Silver Compleat Lawyer Award this year. It was pointed out that this is a testament to the work of the Commission and members were encouraged to attend the awards ceremony on April 27.

The comment was also made that there is not an SC Bar section or committee specific to public interest lawyers. This could be a good way to engage with this group of attorneys, identify what their needs are, and coordinate education about things like Public Service Loan Forgiveness.

#### **10. Future Meeting Dates - *Justice Few***

Justice Few announced the dates of the next two 2023 meetings, which will take place on June 22 and October 12 at the South Carolina Supreme Court.

#### **11. Adjourn**