Commission to Expand Civil Legal Services
Minutes of April 9, 2016 Meeting
Austin, Texas

In attendance: Chief Justice Nathan L. Hecht; Hon. Jane Bland; Faye M. Bracey; Darby Dickerson; William Royal Furgeson, Jr.; Eden Harrington; Angelica Maria Hernandez; Wallace B. Jefferson; F. Scott McCown; Chris Nickelson; Hon. Lee Rosenthal; Charles W. Schwartz; Frank E. Stevenson, II; William O. Whitehurst; Kennon L. Wooten; Nina Hess Hsu; Martha Newton; Osler McCarthy

By phone: Hon. Ann McClure

Approval of Minutes

The minutes of the January 25, 2016 meeting were approved.

Remarks from Chief Justice Hecht

Chief Justice Hecht stated that the Supreme Court expects the 2017 legislative session to be a difficult one for legal-aid funding because oil and gas is taking a hit, and the budget will be tighter.

He noted that the Conference of Chief Justices is completing a two-year study on how to make the justice system more efficient around the country. The study tries to address the number of self-represented litigants (SRLs), but the data on SRLs is shaky. There is no dependable way of getting these numbers; around the country, the numbers are all over the map. New York reports that 70-80% of foreclosure cases involve an SRL, but it is hard to know whether that data is dependable.

He stated that the Office of Court Administration (OCA) is working to get more data on SRLs. E-filing is helping because case-management systems can transmit information to OCA automatically. But, so far, OCA's data only shows the number of SRLs who file lawsuits. OCA's data does not include Dallas or Bexar Counties, and there are about 100 Texas counties without case-management systems.

Chief Justice Hecht opined that the numbers reported by OCA are substantially rosier than reality, and Commission members agreed. Chief Justice Hecht stated that regardless of statistics, we know that the problem of SRLs is huge and is not getting better. He suggested that we may need legislation to require additional reporting of SRLs and that perhaps Senator Zaffirini would be willing to help.

Chief Justice Hecht noted that a real problem area is divorce with children. Those cases can be very complicated and time-intensive, and that may be part of the reason why lawyers are not willing to get involved in those cases for a low fee or through limited-scope representation (LSR). Some prisons have CPS units embedded in them.

Scott McCown noted that at some point, there was a publicly funded prison project for civil cases, but it may no longer exist.

Commission members commented that the numbers of SRLs reported by OCA do not reflect reality and discussed how to get more accurate statistics. One Commission member suggested sending a survey to select judges asking how many unrepresented litigants they saw in their courts over the course of a week or a month or how many orders the judges signed that week where one party to the case was unrepresented. But some Commission members raised concerns that judges do not have a good sense of which litigants are self-represented. One member suggested that OCA could engage the assistance of law students to look at a week's worth of filings in Dallas or Harris County.

Commission members expressed differing opinions on the need for accurate data regarding SRLs. Bill Whitehurst noted that although the statistics before the Commission are not accurate, they are enough to know that the number of SRLs is unbelievable. He opined that the Commission should not spend time trying to get more accurate numbers. Other Commission members stressed the need for accurate data to convey the scope of the problem to the Legislature and to the bar. Dean Furgeson suggested that the Commission could pursue financial support from a charitable foundation as a way to fund initiatives recommended by the Commission.

Chief Justice Hecht reported that states are attempting to address the justice gap in different ways. Some are using a kiosk at the courthouse. Some are using nonlawyer paralegal types, but those initiatives are not working too well. So far in Washington state, there are only three limited license legal technicians (LLLTs). Chief Justice Hecht has spoken with the Chief Justice of Washington. Despite the lack of success of Washington's LLLT program, other states are looking at LLLT-type programs. But Chief Justice Hecht noted that no state has a handle on closing the justice gap because the problem is just too big. California has experimented with incubator firms.

Reports

SRL Statistics

Nina Hess Hsu reported further on the SRL statistics collected by OCA. She explained that OCA reached out to larger counties with a population of more than 100,000 and asked them to gather statistics on both sides of the docket because OCA only has statistics on the numbers of SRLs who file lawsuits. Some counties did not respond. OCA did not get data from Dallas County. Bexar County said that it does not have data or cannot access the information.

Among the counties that responded, the statistics show that the number of cases with an SRL in district court ranges from 6-9%; in 1% of those cases, the SRL filed an affidavit of indigency. The numbers in family-law cases are much higher: 45% of cases

in 2012 involved an SRL. The number in 2015 is still 45%. In 12-18% of those cases, an affidavit of indigency was filed.

Justice Bland noted that not having reports from Dallas and Bexar Counties skews the statistics reported by OCA. Chris Nickelson reported that Collin County has approved the hiring of a board certified family-law practitioner to assist SRLs. He stated that Tarrant County also goes out of its way to assist SRLs.

Frank Stevenson stated that the numbers reported by OCA are much rosier than any other numbers he has seen and cannot be accurate.

Kennon noted that the case-information sheet for a case will show whether the party has a lawyer. It only covers plaintiffs, but it may be the most accurate way of getting information. Chris Nickelson pointed out that child-support forms may also give information about which parties to the case have an attorney.

Faye Bracey expressed concern that the low numbers of SRLs reported for South Texas may reflect that people are opting out of court system altogether. Judge Rosenthal noted that undocumented persons may also be hesitant to access the court system.

Justice Bland asked whether the Supreme Court can require trial courts to report information on SRLs. Chief Justice Hecht responded that that would be difficult because approximately 100 counties in Texas do not have a case-management system at all.

Wallace Jefferson asked whether there has been any effort to collect data on the number of SRLs in federal court. Judge Rosenthal noted that case-information sheets reflect whether someone is represented or not and that applications to file IFP (in forma pauperis) usually—but not always—coincide with self-representation.

Chief Justice Hecht echoed Bill Whitehurst's comment that the number of SRLs—whatever it is—is huge and does not seem to be going away. This problem is not episodic.

Nina Hess Hsu pointed out that OCA's report shows civil cases broken down by case type. The number of consumer cases with an SRL—17%—is very high. The number of SRLs in tax cases and "other civil" cases is high. The number in nonjudicial foreclosure cases is only 5%.

Chief Justice Hecht reiterated that the Court may request legislation requiring reporting of SRLs. He noted that last session, Senator Zaffirini pushed through a bill requiring reporting of ad litem fees.

Frank Stevenson noted that he has read statistics from other states, and in every other state, 80-90% of family-law cases have an SRL. Wallace Jefferson noted that in other

states, 80-90% of debt-collection and eviction cases have an SRL—the numbers are huge.

Judge Rosenthal asked the Commission members who represent law schools why schools typically have more death-penalty clinics than landlord-tenant clinics. Eden Harrington responded that students are doing externships for credit in legal-aid clinics that handle housing cases, so clinics do not capture all of the work being done by students. She also noted that schools must develop clinics that meet the interest of students and professors. Chief Justice Hecht further noted that the state gives funding to actual innocence clinics at law schools.

Scott McCown opined that law schools probably will not be the answer to the justice gap problem—the number of law students is minuscule in comparison to the scope of the problem. Even if every law student worked on a landlord-tenant case, it would hardly make a dent in the problem.

Returning to OCA's statistical report, Bill Whitehurst stated that the most concerning statistic is the number of SRLs in divorce cases with children, and the number probably is not even accurate. It is probably much higher. Angelica Hernandez asked whether the Supreme Court's approval of the forms in Divorce Set One could have affected the number of SRLs—are people choosing to use forms rather than seek legal representation?

Judge Rosenthal asked whether prisons offer any landlord-tenant or family-law resources for relatives, spouses, and children for those incarcerated. Justice Bland responded that some DFPS resources allow inmates to work a family service plan while incarcerated. Scott McCown stated that there was at one time a publicly funded prison lawyer project that was basically legal aid for inmates. It was called the Texas Legal Defenders Service, and it only handled civil cases.

Referring to the nigh number of SRLs in divorce cases, Chris Nickelson stated that divorce cases are enormously complicated and take a lot of man hours, even for cases without children. They involve a lot of property issues and emotional baggage. In divorces with children, custody disputes are some of the most time intensive—i.e., expensive—things that happen in family law. Title 4D orders and paternity cases are simple—maybe just one day in court. But a contested divorce involves multiple hearings. It does not surprise him that people end up representing themselves in those cases.

Chief Justice Hecht noted that OCA's report shows that 16-18% of cases in the county courts at law involve an SRL, and 3-4% of cases involve an affidavit of indigency. Members commented that these numbers must be low. Judge Rosenthal stated that the statistic showing that only 1% of cases in Harris County involve an affidavit of indigency demonstrates that poor and middle-class people are not using the court system.

Eden Harrington stated that the Commission's recommendations to the Court should include statistics on SRLs to demonstrate the need for reforms. Kennon Wooten noted that the Texas Access to Justice Commission (TAJC) has a lot of information on SRLs. Kennon also suggested that the Commission poll judges for a snapshot of the number of cases before the judges that week involving an SRL.

Frank Stevenson expressed concern about OCA's data being publicized because OCA's statistics are very different than the statistics reported by other states. Judge Rosenthal commented that presenting the data in Texas as an outlier would demonstrate that Texas's court system is not being used because access barriers are so profound.

The Commission continued to discuss the possibility of polling judges about LSRs in their courts. Some members expressed concerns that a poll would not result in accurate data because judges' dockets are too large for judges to know which cases involve an SRL. Scott McCown suggested that the Commission obtain a week of filings from Harris and Dallas Counties and look at the data itself. Bill Whitehurst cautioned the Commission not to spend much more time gathering data because the data that exists is sufficient to demonstrate a problem. Chris Nickelson stated that accurate data is important to make the case to the family-law bar that reforms are needed.

Judge Rosenthal listed two categories of people that the Commission is trying to help: (1) people who are indigent; and (2) people who are not indigent but who cannot afford a lawyer. These categories are separate but related. First, the Commission must recognize and make proposals directed to each. Second, within each category we need three resources: (1) someone at the entry level to advise the potential client and get them to court in the first place—a kind of navigator or triage person who can tell someone that the problem he or she has is a legal one that must be resolved in court and should be resolved with the assistance of a lawyer; (2) the lawyer who can respond to that need; and (3) when the need is not for a lawyer but for other kinds of resources, the availability of someone who can recommend the appropriate nonlegal resources (alternative housing, mental health counseling, etc.)—a kind of ombudsman. One approach to addressing these needs is to pursue foundation grants. Another approach may be law-school programs like Baylor's Legal Mapmaker program.

Charles Schwartz opined that one of the reasons that the legal system is unaffordable is the inefficiency of the legal process. It gets too expensive for even people who hire lawyers, and some clients quit paying their lawyer because the lawyer is not making progress. The entirety of the judicial process is inefficient.

Judge Rosenthal noted that the federal courts issued a new set of forms for SRLs in December. The drafters started with most frequently used case categories in federal courts.

Scott McCown commented that as members brainstorm solutions, they must assume that there will be little to no public funding available. He supports the idea of targeting foundations to finance initiatives, but the initiative must sustain itself once it gets off the ground. He also questioned whether there are a sufficient number of lawyers who are willing to live on a modest income, and if there are, how you connect them with clients. He questioned whether Texas should change its solicitation rules so that lawyers can access clients through court filings.

Frank Stevenson reported on a few initiatives that SBOT is working on. First, SBOT is looking into a navigator program like some other states have. In other models, the navigator may be stationed at a courthouse or library help desk and either directs the SRL to forms or helps to connect the SRL with a modest-means lawyer who can handle the case for a fixed fee. Utah has a "courthouse steps" program: lawyers are stationed at or near the courthouse and help SRLs fill out forms for $65/hour. It is a form of unbundled representation. Finally there are legal referral services—SBOT has one, but it is flawed because after the initial consultation, the client must pay the lawyer's full fee. Other states have a directory of modest-means lawyers who have agreed to take referrals.

Limited-Scope Representation

Kennon Wooten and Martha Newton reported on their research on Texas rules relating to LSR. Kennon confirmed that Rule 1.02(b) of the Texas Disciplinary Rules of Professional Conduct expressly permits LSR if the client consents after consultation. The ABA model rule is similar but requires that the limitation be reasonable under the circumstances. One of the proposals in the 2011 referendum on amendments to the Rules of Professional Conduct was to amend Rule 1.02 to mirror the ABA model rule, but the referendum failed.

Kennon and Martha reported that other states have rules of civil procedure or professional conduct that provide more guidance on LSR topics such as ghostwriting. They also reported on TAJC's efforts to educate lawyers and judges on LSR.

Law School Programs

Eden Harrington reported on the results of her survey of Texas law schools on programs that may help close the justice gap. She reported that the primary ways that law schools are acting are through clinics, externships for credit, and pro bono practices.

The individual clients of most clinics are at or below the federal poverty line. Externship students work in a variety of settings but many are at legal-aid offices that primarily serve people at or below poverty guidelines. Schools' pro bono initiatives provide various types of short-term assistance to a broader client base. Sometimes the pro bono projects are housed within the school, and sometimes they are done in conjunction with bar groups.

Eden Harrington made the following proposals: First, the Commission should encourage schools to encourage students to do pro bono work in areas with SRLs. Schools look for pro bono projects, so why not have the Commission encourage them? Second, since schools already have programs that help students who are going to hang out a shingle, why not encourage schools to include information on modest-means practice? Schools should make it easy for students who want to take that path to do it.

Dean Dickerson stated that Texas Tech law school has a public service graduation requirement. She also reported that the school's pro bono director thinks that Texas's student-practice rules inhibit students' participation in justice-gap initiatives. She noted that in Michigan, students can get a student practice card after their 1L year, and in other states, students can get a practice card during their 2L year. In Texas, to get a practice card, you have to get a specific attorney to sign it, and the student can only provide assistance to the lawyer that signs the card.

Faye Bracey noted that in Texas, students can appear for a client without a supervising lawyer in traffic court. But the rules are designed to protect the public—that is why you have to have a supervising lawyer on the card. We do not want students to just find a friend who is a recent graduate to say that the student is assisting them, when the student really is not.

Chief Justice Hecht reminded the Commission that one of the reasons the Supreme Court set a November deadline for the Commission's recommendations is so that the recommendations are submitted before the 2017 legislative session.

Discussion

Recommendations by Deans

After a lunch break, Wallace Jefferson asked the law school deans to discuss what ideas they think are feasible.

Dean Furgeson discussed Baylor's Legal Mapmaker program. He would like to see it scalable, perhaps through grant funding. Dean Furgeson stated that he interviews almost all of the students at the University of North Texas (UNT) law school. They all have good goals, but they will need some real help. What he likes about the Baylor program is that it is real help—not only for new lawyers but also for lawyers who switch course and need to retool. He would love for there to be money available for Baylor to bring its program to his students. A program like Baylor's could be expanded through a foundation grant.

Dean Dickerson stated that she has concerns with two-year law-school programs. Most students after two years are not where we want them to be, especially if they are going out to hang shingles.

Dean Dickerson also pointed out that last year, 28% of people who sat for the Texas bar did not graduate from a Texas law school. So if Texas changes its bar exam rules, it would affect people outside of Texas.

She reported that the deans of the Texas law schools have requested a meeting with the Board of Law Examiners to explore issues relating to declining pass rates. She noted that the timing of the exam results means that some students must support themselves for almost four years. She wants to consider whether some students should be permitted to take the exam with fewer course hours and to consider unbundling the exam—e.g., take the multistate part (MBE) first and allow students to do some work after passing that portion. She noted that the CPA exam is unbundled—if you pass the first part, you do not have to take that part again, even if you fail another part.

Dean Dickerson also wants the Commission to study and explore the concept of LLLTs. She noted that the University of Arizona has started an undergraduate program in law. It is not prelaw, it is a stand-alone program that, substantively, is between poly-sci and business. Students are trained to go into compliance-type positions, mostly in government. Maybe a Texas school could pilot a similar program to train a type of navigator to assist SRLs with paperwork, so the navigator would not need an additional degree. She stated that a lot of schools already have students who would be interested in serving in such a position and do not want to go to law school or who want to work for a few years before applying to law school.

Wallace Jefferson asked Dean Dickerson about New Hampshire's Daniel Webster program. Dean Dickerson reported that the idea is for the program to be like Teach for America—or Practice for America. Students in the program do not have to take the bar exam. Dean Dickerson opined that there are probably students who would choose to do public service rather than study for and take the bar exam. But we would have to figure out where to place these students and how to fund it. And we would have to place a condition on the program to make the students fulfill their public-service commitment, like making their law license contingent until the commitment is fulfilled. The students in the Daniel Webster program enter the school specifically on this track.

Judge Rosenthal noted that if a Texas school were to pilot such a program, the school would want to make it elite and hard to get into so that the program has good reputational value.

Wallace Jefferson suggested that the program involve law firms who agree to take in students and supervise their modest-means work. Large firms have pro bono coordinators who can help find appropriate work for the graduates.

Faye Bracey noted that students in the Teach for America program get a masters degree for free. She also noted that Texas State offers an undergraduate major in paralegal studies.

Dean Furgeson pointed out that there are a lot of people practicing in Texas who did not take the bar exam—he is one of them. It used to be that if you go into the armed services, you do not have to take the bar exam.

Dean Furgeson thinks that the MBE should be taken after the first year of law school, when students take the courses that are on that portion of the exam. Taking the MBE after the first year would also be helpful to law schools—if a student cannot pass it, the student should not move forward.

Dean Dickerson pointed out that the part of the exam that tests Texas law subjects is graded by Texas attorneys, but the scores are scaled to the MBE. So if MBE scores go down, then scores for the Texas part also go down. She suggests that uncoupling these sections would allow Texas to set its own pass rate.

Frank Stevenson noted that he was recently at a conference, and Arizonans were raving about changes to the Arizona bar rules that permit students to take the bar exam after the 2L year.

On the topic of the timing of the MBE, Faye Bracey pointed out that students must relearn concepts that they initially learned two years prior. But medical-school students take exams on a subject directly after completing the coursework in it. She suggested that students are wasting too much time relearning information after graduation that they learned during their first year.

Wallace Jefferson asked what groups will oppose changes to the structure of the bar exam. Dean Dickerson responded that one criticism will be that if students must study for and take an exam during the summer after their first year, then they cannot work during that summer. Eden Harrington noted that now, in many cases, students cannot even start looking for a job until after they receive their bar results.

Bill Whitehurst noted that students' taking the MBE after their first year is a good argument for giving them a bar card earlier.

Kennon Wooten suggested the possibility that students could take the MBE after their first year and then do some kind of work that focuses on people in need before taking the Texas portion. Dean Dickerson noted that Texas Tech requires students to do 10 hours of pro bono work their first year but that many students fall in love with the work and do much more.

Dean Furgeson stated that Texas is influential because it is a big state. If Texas leads, other states will follow. It would make an amazing amount of difference if students could take an exam on 1L subjects after their 1L year. It would be a wake-up call to students who will never pass the bar.

Brainstorming Ideas

Wallace Jefferson asked the Commission to brainstorm ideas that the Commission should pursue. He asked members to be as specific as possible and to be visionary.

Faye Bracey suggested a modest-means program that lawyers opt into. The lawyers who opt in agree to take a certain kind of case for a certain fee. The program is advertised to the public. There would be a search engine set up so people can search for lawyers in their county. The fee schedule would be posted online.

Angelica Hernandez stated that even in Houston, there are different services available like the Houston Volunteer Lawyers Program, but one problem with these services is that attorneys do not have to take cases. So a person might get in the door and get a consultation with a lawyer, but the lawyer can then pass on taking the case.

Charles Schwartz express concern that a program like the one suggested by Faye Bracey could have antitrust problems.

Frank Stevenson responded that there are states with similar programs right now. He noted that SBOT has a robust referral service, but the problem with it is that the client can get a very inexpensive initial consultation, but then you have to pay the lawyer's full fee. He stated that Utah has a promising referral program, which SBOT is studying. There must be a way to do it because other states are doing it.

Scott McCown questioned whether there is a way to relax solicitation rules to allow lawyers to find clients.

A member questioned whether lawyers will agree to take cases that they know nothing about for a certain fee. Chris Nickelson commented that for the program to work, there would have to be a system in place to identify the client's problem, so the lawyer knows what the problem is ahead of time and whether the lawyer can handle it for a particular price.

Judge Rosenthal pointed out that connecting people with lawyers will require technology. She suggested that the Commission ask an incubator or start up to look at what kind of software is needed to enable clients to provide information to lawyers through a referral website and to enable lawyers to view the information and contact the clients. Judge Rosenthal also commented that the Commission must figure out how to reach people who have no contact with the judicial system and do not know about referral services—how do we get people to the navigators?

Chris Nickelson commented that if the navigators are humans, then the process will be very expensive and slow. But if the navigator is technology, the process will be much easier, faster, and less expensive. Judge Rosenthal commented that you still need a human navigator to get someone into the information exchange portal.

Bill Whitehurst responded that he thinks there are people that are already serving as navigators and suggested that the Commission invite a few to give a presentation to the Commission about their work. Scott McCown suggested reaching out to local bar referral services to see what ideas they have and what barriers they are facing. Frank Stevenson stated that referral services do not have a modest-means navigator and that that is the game changer.

Charles Schwartz stated that he is strongly in favor of making a more user-friendly LSR rule. He does not think that the current rule offers enough protection. The problem is not just a matter of educating the bar. We need a rule with safe harbors for LSR—if you agree to fill out forms for a client, your duties are discharged. He stated that big firms would be reluctant to represent a local store or business person due to conflicts. There needs to be a safe harbor on conflicts rules for representation and LSR rules that are not idiosyncratic in their enforcement from court to court. He pointed out that some courts have held that ghostwriting is a violation of ethical rules. From his point of view, the most immediate thing the Commission can do is look at the rules to make access to legal services easier and more efficient. He also commented that the navigator concept appeals to him.

Kennon Wooten stated that the Commission should consider recommending that the Court amend: (1) the definition of unauthorized practice of law; (2) the Rules Governing Admission to the Bar to allow students to take the MBE after their 1L year; and (3) the Texas Rules of Civil Procedure to address withdrawing from an LSR appearance in court. Kennon also commented that in 2011 or so, the Court or SBOT considered a proposal to relax the conflicts rules for pro bono work. She thinks that someone has already done some research on that.

Dean Furgeson proposed that the Commission look at rule amendments to make it easier for students to take the February bar exam. He also thinks that the Commission should look at ways to provide the Baylor Legal Mapmaker program at every school. He suggested that law schools make their facilities available to the program without cost.

Faye Bracey responded that Baylor is already planning to roll the program out statewide and take it to all of the Texas law schools. She also expressed some concern about what counts as pro bono work. She commented that all of St. Mary's soon-to-be solo practitioners will be going to Baylor in August to be at the program.

Wallace Jefferson asked Scott McCown to be more concrete in his recommendation to change the solicitation rules. Scott McCown responded that the rules should permit a lawyer to go to the courthouse and pull the list of everyone who has filed for divorce, and then call them up and say I'll do your divorce for $X. He suggested that this already happens in traffic court. Charles Schwartz commented that there is a service that runs a report on filings for civil cases and that it is very expensive.

Dean Furgeson questioned whether the conflicts rules should be changed to permit a lawyer to represent both sides in certain kinds of cases. Justice Bland responded that Texas already has a collaborative law statute for family-law cases and that it is not used very much.

Charles Schwartz renewed his call for making courts more efficient. He questioned why it is necessary to go to the courthouse to prove up an uncontested divorce—why can't it be proved up with affidavits? Dean Furgeson pointed out that the same argument can be made for an uncontested will.

Judge Rosenthal asked what legislative and rules changes the Commission should pursue. She identified two buckets: The first contains changes to bar-exam and licensing rules. Another bucket involves requesting legislative funding for pilot projects to put navigators or ombudsmen in courthouses—the ombudsman would help people who have some need that court cannot fix. She suggested that different kinds of pilot projects are already being tested in state courts around the country and that the Commission should look to other states as models. She mentioned that Utah has projects that could perhaps serve as models, although Utah is a more homogeneous state than Texas is.

Judge Rosenthal also commented on the importance of asking *big* foundations for money to fund pilot projects, so we're not just getting $10,000 but millions, and so we are really able to change the playing field. That will take some real work to figure out which foundations have which interests.

Dean Furgeson asked whether targeting foundations is something that can be done through SBOT. Frank Stevenson responded yes. Regarding navigators, he also commented that there are a number of different models already, but there is no uniformity. We want people in that role who are trained to identify a legal need and who have access to a statewide database to link clients to lawyers.

Bill Whitehurst asked what California is doing on this front and suggested that the Commission look to California and Florida as models. Wallace Jefferson added that Ohio would also be a good model because most of the dominion over the legal profession there is local—judges and clerks are elected.

Wallace Jefferson suggested that the Commission's next meeting be a public hearing and that the Commission invite testimony from people who are doing this work already. He suggested that the list include someone in the tech industry. Kennon Wooten commented that she knows someone who potentially could be the right person to appear before the Commission. Wallace Jefferson suggested that the hearing be in Dallas at UNT law school.

Someone suggested that the Commission invite Gene Valentini from Lubbock.

Angelica Hernandez commented that the Commission should be mindful to build in a mechanism to measure the effectiveness of what the Commission ends up proposing to the Court. She stated that even though the Commission members are in agreement that the number of SRLs is a problem, accurate data is important.

Eden Harrington commented that she would like to hear more about the legal equivalent of a physician's assistant. Wallace Jefferson responded that, so far, the Washington program has not been successful. Charles Schwartz commented that Texas A&M University is planning to offer nonlawyer legal-related degrees. It will be a one-year program for people like HR managers, IP managers, and landmen—people whose jobs have a legal aspect to it but do not require a full-blown legal education. Dean Dickerson commented that making the program an undergrad degree may be key—we should not make people get another degree.

Justice Bland stated that she is interested in hearing more about legal insurance or prepaid legal services.

Judge Rosenthal commented that a lot of legal issues get worked out in agencies—immigration, social security, employment, etc.—not courts. So the Commission should not limit its reforms to just court-centric models.

Assignments

Wallace Jefferson proposed that he, Chief Justice Hecht, Nina Hess Hsu, and Martha Newton meet with OCA administrative director David Slayton to determine how the Commission can get more accurate data on SRLs.

Wallace Jefferson asked Martha Newton and Nina Hess Hsu to report back to the Commission on what kind of LLLT or navigator programs other states besides Washington and New York are experimenting with. He suggested that California may have a similar program. Kennon Wooten suggested that Martha and Nina start with a recent resolution by the ABA on this topic.

Wallace Jefferson stated that he will come up with proposed dates and guests for the Commission's hearing, which will most likely be in Dallas. Dean Furgeson stated that he will ask someone from Baylor's Legal Mapmaker program to speak at the hearing.