



**Legal Professionalism Committee Meeting Minutes**  
**August 31, 2016, 10:30 am, Raleigh, NC**

Commissioners attending:

Catharine Arrowood, Chair  
Phylliss Craig-Taylor  
Drew Erteschik  
Judge Robby Hassell (by remote link)  
Mark Merritt (by remote link)  
Rick Minor  
Matt Sawchak  
Lisa Sheppard

Commission staff attending:

Will Robinson  
Jon Williams  
Emily Portner

Issues discussed:

**1. Approval of minutes**

The committee unanimously approved draft minutes of its May 3 meeting.

**2. Plan and timeline for the committee's input for the Commission's final report**

Mr. Robinson outlined the general plan and timeline for the Commission's final report.

The report will include an initial section, to be drafted by Professor Jim Drennan, that will overview the findings of the Commission as a whole. After that initial section, each committee will give a final report, probably with the same general format used in the committees' interim reports.

The committees' final reports are due to the Commission staff in late November. In view of that plan, our committee plans to review and discuss a draft final report at our November meeting.

Ms. Jennifer Lechner from the North Carolina Equal Access to Justice Commission attended our committee's August 31 meeting. She will further review recommendation 1 in the committee's interim report (and the related discussion). She will report any suggested revisions to Ms. Arrowood and Mr. Sawchak in time for those suggestions to be discussed, if needed, at the committee's October 5 meeting.

The committee's final report will include a list of speakers who appeared before the committee, as well as an index of materials that the committee reviewed.

### **3. Recap of notable points raised at Commission's public hearings**

After circulating a detailed interim report in late July, the Commission held hearings in August to solicit public comment.

Mr. Robinson circulated a summary of the oral and written public comments, received during this process, that bear on the work of this committee. A copy of that summary is attached.

Almost all members of this committee attended one or more of the public hearings. At the August 31 meeting, the committee members highlighted relevant points that came up at the hearings that they attended. Although some of these points were more germane to the work of other committees, Mr. Sawchak noted some additional points for possible mention in the committee's final report.

The committee discussed a few public comments of this type:

- The concept of "collaborative law" might play some role in filling the civil-justice gap.
- Our current system has relatively rigid definitions of the permitted role of each actor (judges, court clerks, lawyers, paralegals, nonlawyer providers of law-related services, et al.). We might ask whether this rigidity contributes to the justice gap. By the same token, we might also ask whether added flexibility would cause different problems, and whether those problems would be manageable.

- Recommendation 4 in our interim report suggests that another body study North Carolina's criteria and procedures for vetting people who seek to enter the practice of law. One issue that the other body should consider is the analysis used for applicants with records of past misconduct, such as misdemeanor criminal records. Section 93B-8.1 of the North Carolina General Statutes bars licensing boards from rejecting these applicants categorically. Even so, an appropriate body should study whether the current analysis of these applicants strikes the right balance between fairness and consumer protection.

#### **4. Discussion of ABA Futures Commission report**

In August 2016, the ABA's Commission on the Future of Legal Services delivered an extensive report on the issues it has studied. Many of those issues overlap with the ones that our own committee has studied in the context of North Carolina's legal system.

Some issues discussed in the ABA report, such as increased deployment of law-school clinics to provide free legal services, might warrant added emphasis in our final report.

The committee discussed the ABA's assessment of the mismatch between demand for law-related services and the services that today's lawyers are supplying. To further inform that effort, Ms. Alice Mine from the North Carolina State Bar will share available data on patterns in the job settings of North Carolina lawyers.

More generally, the committee agreed to review the "issues papers" that the ABA Futures Commission reviewed, and to consider whether any points in those papers warrant mention (or added emphasis) in the committee's final report. For context, see page 66 of the ABA Futures Commission report.

Five committee members agreed to review one issue paper each and to give a brief assessment of that paper during the committee's October 5 meeting. Here is the division of labor:

ABA issue A (the future of legal services generally): Drew Erteschik

ABA issue B (new providers): Lisa Sheppard

ABA issue C (legal checkups): Phylliss Craig-Taylor

ABA issue D (unregulated entities): Matt Sawchak

ABA issue E (alternative business structures): Rick Minor

**5. Adjournment**

The meeting adjourned by consensus at about 1 p.m.

**6. Next meeting: Wednesday, October 5, at 10:30 am at the North Carolina Judicial Center in Raleigh.**

/s/ Matthew W. Sawchak  
Reporter