

Agenda
Montana Supreme Court Access to Justice Commission
December 4, 2015
Large Conference Room, Office of the Court Administrator
301 S. Park, Third Floor, Helena MT
12:30 PM – 3:00 PM

- I. Approval of Meeting Minutes from 9/26/15: Justice Baker (12:30 – 12:35)
- II. Overview of Commission Work to Date and Upcoming Priorities: Justice Baker (12:35 – 12:45)
- III. JIC Update and Upcoming Priorities: Brandi Ries, JIC Committee Chair (12:45 – 1:10)
- IV. Public Forum Update: Matthew Dale and Patty Fain (1:10 – 1:30)
- V. Self-Represented Litigants Committee Report: Michele Snowberger (1:30 – 1:40)
- VI. Law School Partnerships Committee Report: Hillary Wandler (1:40 – 1:50)
- VII. Montana Indian Wills Project and Legal Clinics for Seniors: John McCrea, Legal Services Developer, Aging Services Bureau, Department of Public Health and Human Services (1:50 – 2:20)
- VIII. Commission Self-Assessment Checklist: Discussion (2:20 – 2:45)
- IX. Wrap-up: Public Comment and Review of 2016 Meeting Dates (2:45-3:00)

TAB 1

Montana Supreme Court Access to Justice Commission

September 23, 2015

Capitol Building

Room 172

12:00 p.m. – 4:00 p.m.

Meeting Minutes

Commissioners Present: Justice Beth Baker, Judge Greg Pinski, Rep. Kim Dudik, Judge Winona Tanner, Sen. Nels Swandal, Judge David Carter, Ed Bartlett, Judge Kurt Krueger, Matthew Dale, Michele Robinson, Randy Snyder, Aimee Grmoljez, Melanie Reynolds, Andrew King-Ries, and Alison Paul.

Commissioners Absent: Jennifer Brandon and Andy Huff.

Others Present: Justice Jim Shea, Jason Smith, Chris Manos, Kate Kuykendall, Beth McLaughlin, Jamie Iguchi, Christine Mandiloff, Patty Fain, Kay Pace, Michelle Potts, Lisa Mecklenberg Jackson, and Krista Partridge.

Call to Order: 12:32 p.m.

Justice Baker welcomed new Commission members and thanked outgoing members for their service: Representative Kim Dudik, replacing Chuck Hunter; Judge Greg Pinski, replacing Judge David Ortley; and Ed Bartlett, replacing Jon Bennion. She also noted that Andrew King-Ries will be replaced by Dean Paul Kirgis at the next Commission meeting, and thanked Andrew for his service. She also welcomed Justice Shea and Jason Smith, the State Director of Indian Affairs. She then asked for comments or corrections to the March meeting minutes. Randy Snyder noted that he had opposed the motion to approve the voluntary pro bono activity statement process and asked that the minutes be corrected to reflect his vote.

Randy Snyder moved that the March minutes be adopted as corrected and Sen. Swandal seconded. The motion passed without objection.

Court Workload Report and Court Help Update

Beth McLaughlin provided an update on the increasing workload for courts across the state and the need for additional judges to handle the workload. She noted that a workload study revealed that 17-18 additional judges are needed, and although urban counties have seen the largest increase in caseloads, some rural districts are served by only one judge who must travel vast distances to multiple counties each week. A sharp increase in abuse and neglect cases in 2015 has impacted court schedules significantly because those cases take priority. Beth stated that the Court Administrator's office will be looking at the judge shortage issue for the next legislative session. Beth also introduced Kay Pace, the new Court Services Director.

Jim Taflan presented an update on the Court Help program. He reported that there are Self-Help Law Centers (SHLC) in Billings, Bozeman, Helena, Missoula, Kalispell, and Great Falls, and that since the inception of the program over 46,000 contacts have been made seeking help at the centers. He pointed out that demand for SHLC services is growing rapidly, and that permanent funding was authorized during the 2015 legislative session. He noted that the Court Help Program is looking into establishing a statewide toll-free phone number for assistance, and expanding its online and social media presence. Senator Swandal asked if the SHLC does mediation, and Jim replied that the program provides information only, but can offer referrals to mediators when appropriate.

Montana Justice Foundation Update

Michele Robinson presented an update on the Montana Justice Foundation (MJF). She stated that the search for a new Executive Director to replace Amy Sings In The Timber is currently underway. Kate Kuykendall is the Interim Executive Director until the replacement is hired. She also reported that MJF received \$280,000 as part of a Bank of America national settlement. Kate Kuykendall added that the settlement was distributed to IOLTA programs across the country, and that the MJF Board has approved granting the funds to Montana Legal Services in order to start a Consumer Fair Debt Collection program. The funds will be used to hire an attorney and paralegal to pursue cases for low-income consumers with claims under the Fair Debt Collection Practices Act. Andrew King-Ries asked for details on the Executive Director search process, and Justice Baker answered that MJF is advertising nationally and statewide, and that the deadline for applications is October 16. She stated that MJF hopes to have the new Executive Director hired by the end of the year.

Montana Legal Services Association Update

Alison Paul provided an update on Montana Legal Services Association (MLSA). She explained that MLSA is the only statewide provider of free civil legal assistance, and is funded through a variety of grants from the Legal Services Corporation, Corporation for National Service, Montana Justice Foundation, and many others. MLSA does not receive state funding except through the Supreme Court filing fee, but that she's excited about the possibility of state funding for legal aid during the next legislative session. She reported that MLSA's contract for Foreclosure Assistance through the Attorney General's office will end next year, but plans to move the foreclosure staff to the Fair Debt Collection program that will be funded by MJF. She also noted that MLSA receives a number of federal grants to provide assistance to domestic violence (DV) survivors, and with this funding has added two Tribal Advocates, an attorney to serve the Bakken region, and will soon be adding an attorney in Bozeman under a federal DV grant received by the HAVEN shelter. Senator Swandal asked about MLSA's malpractice insurance carrier, and Alison replied that MLSA's Complete Equity Insurance also covers pro bono attorneys and mediators.

Impact of Civil Legal Aid

Michelle Potts presented “The Economic Impact of Civil Legal Aid to the State of Montana,” a report funded by the Montana Justice Foundation, and prepared by MLSA in consultation with Professor Scott Rickard, Director of the Center for Applied Economic Research at MSU-Billings. She explained that the report is aimed at policymakers and legislators and illustrates the return on investment of civil legal aid dollars spent in Montana. The report includes the direct financial benefits to low-income Montanans, indirect impacts including the boost to local economies through new dollars brought into the state, the value of legal services provided, and the cost savings in prevention of domestic violence, foreclosures, evictions, and increased Court effectiveness. In total, the report concludes that the total economic impact of MLSA’s statewide legal services is over \$9.6 million, and that for every dollar spent on legal services in 2013, \$3.15 flowed into the Montana economy. Michelle asked that the Commission provide a cover letter to be sent out with the report to legislators and other state policymakers. Aimee Grmoljez suggested that the report should also be presented at the next meeting of the Law & Justice Interim Committee and that enough copies of the report should be set aside for distribution to newly elected legislators.

Judge Krueger moved to authorize the Commission to provide a cover letter for the Economic Impact Report. Matt Dale seconded the motion. The motion passed without objection.

Alison Paul stated that MLSA would develop a mailing list and draft cover letter for Justice Baker to send on the Commission’s behalf.

The Wyoming Experience: Chief Justice Jim Burke, Wyoming Supreme Court

Justice Baker introduced Chief Justice Jim Burke of the Wyoming Supreme Court and thanked him for his willingness to share his insight on Wyoming’s successful effort to achieve state funding for civil legal aid.

Chief Justice Burke complimented Montana and the Access to Justice Commission on its efforts and progress, and stated that what Montana is doing without any state funding is amazing. He noted that he wasn’t always a believer in the Access to Justice movement, but that as a member of Wyoming’s Access to Justice Commission, he came to understand the issue and level of need. It became clear to him and the rest of the commission that their primary goal should be to seek out state funding for civil legal aid.

Chief Justice Burke described the keys to Wyoming’s successful state funding effort:

- Made the issue understandable to a wide spectrum of the community and got them involved.
- Made a concerted effort to involve the private bar.

- Took a broad approach to communication and education of state government agencies.
- Held public hearings around the state and made sure to include real people with stories rather than a lot of charts and graphs.
- Instilled a sense of mission in the Access to Justice Commission by having every member attend almost every public hearing.
- Video-taped every public meeting and produced a movie that was distributed to every member of the legislature.
- Took advantage of the fact that federal LSC funding was pulled from the Wyoming Legal Aid program and brought home the fact that civil legal aid should not rely solely on federal funds.

Justice Baker thanked Chief Justice Burke for his remarks and pointed out the powerful scene at the conclusion of Wyoming's public meeting video. After hearing the emotional public testimony at the first meeting in Cheyenne, the Chief Justice pledged, "We've heard you and we'll get it done." Ed Bartlett asked the Chief Justice if fees were part of Wyoming's state funding, and he replied that fees make up 100% of the funding source – they added on to an existing court automation fee. Andrew King-Ries asked whether Wyoming encountered a barrier in the belief that attorneys should take care of this need without state funding. Chief Justice Burke stated that this wasn't a significant issue, but that when it came up, he pointed to all the efforts that the private bar had already undertaken. Chief Justice Burke reiterated that you can't assume that anyone understands or cares about the issue just because you do, and that you need to have an answer for every single question because most of the questions are fair. Aimee Grmoljez asked how the funding is managed and allocated. Chief Justice Burke explained that the funds are managed through the court budget and that an entity called "Equal Justice Wyoming" was created to make grants, and to coordinate pro bono and self-help programs. Wyoming Legal Aid applies for and receives the largest portion of funding. He also noted that communities are partnering in the effort by providing office space, and that there are legal aid offices in five cities.

Public Forum Series Update

Patty Fain and Matt Dale presented an overview of the strategy and schedule for the statewide listening sessions and provided a poster-sized handout for participants and organizers. The series of forums will take place in 7 communities across the state over the course of the next year, beginning in Kalispell on October 21, 2015, and concluding in Helena in October 2016. The goal of the forums will be to gather information, build awareness, promote pro bono services, advocate for funding, and provide education on the issues. There will be 30 minutes of public comment at each session and the goal for the organizers will be to get 50-75 people in attendance at each session, including community leaders, legislators, and local public officials. Matt asked for help from Commissioners in getting the word out and sending invitations and stated that they have lots of boilerplate language available to facilitate this effort. Justice Baker said that we

urgently need community leaders to be invited to the first two meetings. Randy Snyder pointed out that this isn't the first time that meetings like this have been held and asked for clarification on the goal of these meetings. Matt stated that state funding for legal aid is the ultimate goal. Justice Baker added that another goal is a final report to the Court so that we can better determine what is needed in each community and figure out answers to all the questions that will be asked when approaching the legislature for funding. Aimee Grmoljez stated that any time you have a captive audience, you should ask for an action item. She suggested that the first four meetings should give us a very good idea of how the legislative proposal should be formulated, and that the forum moderator should be very clear to those in attendance that we will be coming back with a request for funding. Justice Baker noted that we will be making a decision on a firm proposal for funding at the June 3, 2016 Commission meeting.

Committee Updates

- **Committee on Self-Represented Litigants:** Michele Snowberger had to leave, but Kate will send out the Committee's written report to the Commission.
- **Policy and Resources Committee:** Matt Dale is now the Chairperson of this committee.
- **Communication and Outreach Committee:** Melanie Reynolds is now the Chairperson of this committee.
- **Law School Partnerships Committee:** Hilary Wandler is now the Chairperson of this committee.

Justice Baker thanked the outgoing committee chairs for all of their hard work during the past three years.

Other Business & Wrap-up

Justice Baker opened the floor for public comments. There were no public comments.

Justice Baker adjourned the meeting at 2:50 p.m.

TAB 2

SUMMARY PREPARED FOR MAY 2015 ABA CONFERENCE

MONTANA Access to Justice Commission

About the Commission

The Montana Access to Justice Commission was created by Court Order dated May 22nd, 2012, as an 18-member advisory commission to the Montana Supreme Court. The Commission consists of representatives from Montana's legal, judicial, legislative, business, and human services communities. The Commission was created out of the state's former Equal Justice Task Force, which petitioned the Montana Supreme Court to create a Commission to identify, oversee, and coordinate access to justice projects in Montana for the long-term in keeping with national trends and recommendations.

Over the course of its first year, the Commission engaged in a strategic planning process resulting in the adoption of a strategic plan that currently guides its work. Much of this work has been carried out by one or more of the four committees created in accordance with the strategic plan: the Standing Committee on Self-Represented Litigants, the Committee on Communications and Outreach, the Committee on Policy and Resources, and the Committee on Law School Partnerships.

Major Accomplishments

Cy Pres Rule: The Commission, through the work of its Committee on Policy and Resources, recommended changes to the rule of civil procedure regarding state class action cases such that not less than 50% of residual funds in class actions will be directed to access to justice organizations to support activities and programs that promote access to the Montana civil justice system. The Montana Supreme Court ordered the rule change, based largely on the Commission's recommendation, on September 16, 2014.

Voluntary Pro Bono Reporting for Bar Admission: After convening a wide range of stakeholders in research, evaluation, and discussion over the course of two years, the Commission recommended creation of a voluntary process by which applicants to the Montana Bar can choose to report pro bono activities. The Montana Supreme Court adopted the Commission's recommendation and Ordered the Montana's Statewide Pro Bono Coordinator and the State Bar of Montana to develop a voluntary reporting process. This work is currently underway, and is overseen by the Commission's Committee on Law School Partnerships.

Self-Represented Litigants Data Collection Project: Through its Standing Committee on Self-Represented Litigants, the Commission has completed the first phase of a three-phase data collection project focusing on experiences relating to self-represented litigants in Montana courts. Phase 1 of the project involved collecting and analyzing a wide range of data illustrating experiences interacting with self-represented litigants from Montana's District Court Judges, Courts of Limited Jurisdiction Judges, Clerks of District Court, and Courts of Limited Jurisdiction Clerks.

Forms Revision and Development: Through its Standing Committee on Self-Represented Litigants, the Commission has created a process for the development, improvement, and testing of forms for use by

self-represented litigants in Montana civil courts. The process is an on-going effort, with new forms being developed and tested as completed forms are put into use.

Gaps and Barriers Study: Sponsored by the Commission, "The Justice Gap in Montana: As Vast as Big Sky Country" was finalized in June, 2014. The study takes an in-depth look at legal services in Montana, identifying offered services, gaps in services, and barriers to accessing services for low- and moderate-income Montanans. The study's final report identifies a variety of potential strategies for bridging Montana's Justice Gap, and can be viewed online at www.mtjustice.org/gaps-and-barriers-study/.

Economic Impact Study: Supported by the Commission, conducted by Montana Legal Services Association, and funded by the Montana Justice Foundation, "The Economic Impact of Civil Legal Aid to the State of Montana" takes an empirical look at how civil legal aid strengthens state and local economies in Montana. The report strives to bring together relevant data to produce a rigorous dollars-and-cents analysis of the contribution of civil legal aid to the overall Montana community.

Current Initiatives

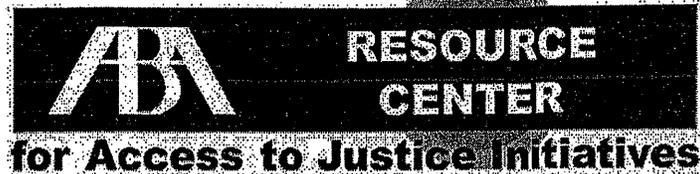
Legal Incubator: In partnership with the Montana Justice Foundation, the University of Montana School of Law, Montana Legal Services Association, and the State Bar of Montana, the Commission is advancing a statewide effort to better understand what kind of legal fellowship or incubator model might be most effective in Montana, with the goal of implementing a program to improve employment opportunities for recent law graduates while increasing access to civil legal services in Montana's rural, underserved areas. This effort is currently underway, and has thus far resulted in a study of various incubator models currently in operation nationwide, and a survey of the student body in Montana's only law school. Future efforts will include outreach to rural communities in the form of town-hall style meetings designed to build community buy-in and gather information about community needs and resources.

Court Training: Through its Standing Committee on Self-Represented Litigants, the Commission is working to develop training opportunities for court staff to clarify the difference between legal information and advice, and encourage helpful, effective interactions with self-represented litigants.

Listening Tour: Through its Committees on Policy & Resources and Communications & Outreach, the Commission is preparing to launch a statewide listening tour to take place prior to the state's 2017 legislative session to increase awareness and educate communities and policy makers on the importance and impact of civil legal services. The tour will provide opportunities for communities to come together and discuss civil legal services, community needs, and strategies for improving Montana's civil justice system.

Media Tool Kit: Through its Committee on Communications and Outreach, the Commission working to develop a media tool kit to aid in educating the public and the legal community about the work and impact of the Commission and its partners.

TAB 3



May 2014

Hallmarks of Effective Access to Justice Commissions

The following hallmarks capture and summarize insights about Access to Justice Commission structure and operations gathered over the past decade from state and national leaders, most recently through a series of meetings and calls convened in 2012-2014 as part of the Access to Justice Commission Expansion Project, as well as reports from recipients of grants through the Expansion Project.

For a definition of the basic parameters of an Access to Justice Commission, see the Definition of an Access to Justice Commission, developed by the ABA Resource Center for Access to Justice Initiatives.

For additional guidance relating to the creation of a new Access to Justice Commission, see another resource document from the Expansion Project, Designing and Launching a New Access to Justice Commission.

Support for Mission from Stakeholder Institutions

The Commission has a solid base of institutional support from the core legal community stakeholders in the state, which embrace a shared understanding of the Commission's mission and role.

Support from core legal community stakeholders – the judiciary, the organized bar, and civil legal aid providers and funders – is essential to a Commission's effectiveness. Lack of support for, or disagreement about, the Commission's mission and role, will undermine its efforts.

Typically a shared commitment to mission is evident in the Commission's history as well as the current status. Building and maintaining stakeholder support for the Commission's mission involves many factors. Some states have had a history of collaboration and broad support for the Commission model from the beginning; in others, full support for the Commission came about after a long process.

While the composition of the Commission should ensure that all core stakeholder have appropriate representation (see Designing and Launching a New Access to Justice Commission on structure), building and maintaining a solid base of institutional support is not solely a question of formal structure, but also of the actual dynamics of key relationships. Not every core stakeholder needs to be engaged in the Commission at the same level, but in effective Commissions there is very strong support on the part of at least two of these stakeholders, who perceive the Commission as representing a partnership among them. No single stakeholder dominates at the expense of others and no core stakeholder feels excluded.

The Commission's leadership must work to maintain its base of support by communicating effectively and consistently with partners and stakeholders. Commission leaders need to make clear what the Commission is doing and why it is important.

Maintaining engagement with the state's highest court is particularly important. In the majority of Commissions, a judge on the Supreme Court is an active member or a liaison and keeps the Court engaged. Where this is not the case, Commissions find other ways to build and maintain Supreme Court engagement, for example, an annual in-person meeting between the entire Court and the Commission, or a request that the Chief Justice evaluate the work of the Commission on a regular basis. Regular written reports by the Commission to the Court may not be enough.

Leadership

The Commission has a critical mass of strong leadership that moves the Commission's agenda forward.

Without strong leadership, a Commission cannot succeed, even if the other ingredients for success are present. Commission leadership can come from different sources, so long as a critical mass is present. The potential members of this group can include the Commission's chairs or co-chairs, Supreme Court justices, and people who serve in a staff capacity. The configuration of the leadership group varies from state to state. Not every one of the members of the leadership group has to operate at the same high level of leadership, but in effective Commissions there is at least one individual who, supported by others:

- Has a strong vision of what the Commission can accomplish.
- Devotes a large amount of time and energy to the Commission.
- Takes responsibility for moving the Commission's agenda forward.

Engaging a Broad Partnership

The Commission broadens its reach by engaging partners beyond the core legal stakeholders.

Commissions are increasingly building on the support of their core partners to include others with a stake in the civil justice system, either as Commission members or through the Commission's committee structure. Law schools are represented on most Commissions. The office of the state court administrator should be included as a partner if it is not part of the core group of stakeholders. State and local providers of indigent defense services in criminal and juvenile matters should be considered as potential partners. Many Commissions include representatives of the state legislature; some include representatives of the executive branch as well, such as the Attorney General, an office providing administrative hearings, or offices providing ombudsman services for state agencies. A growing number of Commissions include representatives from the spheres of health care, social services, business, labor, churches, and community organizations as Commission members.

Commissions are entering into collaborative initiatives with public librarians, schools of social work and public administration, hospitals, social service providers, faith-based organizations, and other entities that serve low-income and disadvantaged people. These new partners bring in valuable new ideas, perspectives, and access to potential contacts and resources.

Scope of Activity

The Commission engages in a full range of activities and strategies to accomplish its goals and objectives.

The most effective Commissions do not limit their scope of activity to particular areas, but pursue a broad range of different approaches to expanding access. A major strength of the Commission model is its ability to address the state's often-fragmented system for providing access to civil justice as a whole.

Another document produced by the Access to Justice Commission Expansion Project, Access to Justice Commission Initiatives: Examples and Resources (an updated and expanded version of the "Access to Justice Checklist" that has been in use for a decade) provides a comprehensive view of the activities that Commissions around the country have undertaken.

In addition to replicating or adapting existing models that have been demonstrated to be successful in other states, effective Commissions explore new approaches. A number of Commissions have developed innovative initiatives that received funding from sources such as the State Justice Institute and the Legal Services Corporation.

There may be activities in which some Commission members cannot or do not wish to engage; for example, certain legal aid funding-related activities. In these areas, the Commission can take action noting that some members did not participate; or the Commission can create a separate work group or advisory group to take on the project.

In some states, the Commission's activities may be limited in a particular area to reflect the fact that a state-wide partnership devoted to a particular Access to Justice function already exists (such as a coalition supporting legislative funding for civil legal aid). In such cases, particular care is necessary to ensure that the Commission's efforts are coordinated with those of the other entity, to avoid duplication and potential conflict.

Planning and Assessment

The Commission engages in ongoing planning and assessment of its efforts.

Some Commissions engage in a formal strategic planning process that produces a strategic plan for a specific period, at the end of which the effectiveness of its efforts are assessed and a new plan is developed. Others prefer a less formal, ongoing process for weighing potential strategies, setting priorities and reviewing accomplishments. What is most important is that the Commission is always clear about its goals and objectives and regularly assesses how effective it has been in achieving them. Before embarking on an initiative, the Commission clearly identifies what it is seeking to accomplish, and how it can actually measure accomplishment, so that it can evaluate the extent to which it has achieved what it set out to do.

The Expansion Project is developing a resource paper on *Frameworks for Outcome Evaluations*.

The Commission regularly assesses its organizational effectiveness and structure to ensure that it is operating as effectively as possible, making changes where necessary.

The Expansion Project's "Self-Assessment Tool for Access to Justice Commission Structure and Operations" (in production) is designed to allow Commissions to assess their operations and guide decisions about future activities.

Several Commissions have revised their structure in order to enhance effectiveness, going back to their Supreme Court for a revised order or rule where necessary.

Organizational and Operational Effectiveness

Commission members are actively engaged in the Commission's activities.

Effective Commissions function as a working task force, in which all members actively participate in the Commission's activities, not like a Board of Directors, which sets policy and oversees operations without being directly involved. Commissioners are usually expected to be active participants in committees or work groups.

Under some specific circumstances, a particular Commission member can play an effective role while participating on a more limited basis. For example, legislators or representatives of advocacy organizations who serve on the Commission may understand and embrace its goals, but only participate when there is a particular need for their involvement, such as in the planning and implementation of a legislative campaign.

The Commission's committee or work group structure brings in new partners and implements the Commission's agenda effectively.

Most Commission work is done at the committee/task force/work group level. Some Commissions have standing committees in major areas; others use ad hoc, project-based work groups that are created and brought to a conclusion as initiatives evolve. All committees are expected to be actively engaged in developing and carrying out initiatives and to move forward between Commission meetings. The structure should be flexible enough to respond to emerging issues and new developments.

The committee structure provides an opportunity to bring in additional stakeholder representatives as well as leaders from outside the legal community, resulting in greater range of expertise, approaches, contacts and support. Committees can be chaired by non-Commission members.

Effective Commissions are careful to include a broad spectrum of perspectives in their work groups. For efforts that may be controversial, the inclusion of potential opponents from the beginning can help to bridge differences.

Commission staffing is effective and adequate support the Commission's activities.

A staff capacity is necessary to provide adequate support, continuity, communications, and continued momentum. Different staffing models are discussed in Designing and Launching a New Access to Justice Commission. A few Commissions have been successful without formal staff, but in these cases, the Chair, another Commission Member, or staff from stakeholder entities has assumed the responsibilities that would normally be assigned to Commission staff.

The skill, ability, and energy level of a Commission's staff are essential to the success of the Commission's effort. Effective staffing requires significant interpersonal, communications, and political skills, the capacity to work effectively with a diverse group of volunteers, knowledge of the legal system and an understanding of the legal needs of low-income people.

Commission meetings are productive and engaging. Meeting time is used effectively.

Effective Commissions plan and structure meetings strategically to take advantage of the synergy that can result from bringing people together, make necessary decisions, and inform and energize participants. For example, the agenda might focus on a robust discussion on a key strategic, organizational decision or an interactive presentation of an issue by guest experts followed by a brainstorming session. Pro forma reports and routine approvals are minimized. Time in meetings is managed effectively, so that adequate consideration is given to agenda items, but the discussion does not take too long on any item.

Meetings are planned and organized to ensure maximum participation, and open to non-Commission Member stakeholders and other interested parties. No stakeholder should feel excluded.

Organizational Visibility, Credibility and Leadership

The Commission is a visible and respected presence in the legal community and beyond, providing strong and effective leadership on Access to Justice issues.

The most effective Access to Justice Commissions have succeeded in becoming a visible, credible and effective presence in their legal community and beyond. They have mobilized and built upon the strengths of stakeholder institutions and new partners, and have enlisted high-profile and influential leaders – Commission members and others – to draw attention to barriers to civil justice and the importance of addressing them. They are recognized as providing a perspective that is not based on institutional self-interest and transcends partisan politics.

Effective Commissions communicate with stakeholders and the public through a variety of means, including facilitating coverage in broadcast and print media, and through websites and social media. Potential strategies include: developing opportunities for engaging local media, such as identifying events that could be worthy of news coverage (pro bono recognition celebrations; kick-off events for new Access to Justice initiatives); preparing and disseminating an annual report that details the efforts and achievements of the Commission; conducting an annual Access to Justice conference to update and engage stakeholders, and possibly create opportunities for news coverage; and coordinating with national communications efforts undertaken by organizations such as Voices for Civil Justice.

Visit the ABA Resource Center for ATJ Initiatives' online resource center:

www.atjsupport.org

SELF-ASSESSMENT CHECKLIST

Support for the Mission, goals and objectives of the Commission

- Does the ATJ Commission have a clear mission that gives direction to its work?
- Does the Commission have a solid base of institutional support for its mission from key partners and stakeholders?
 - The Supreme Court?
 - The Judiciary, including trial and appellate courts as well as state and local court administrators?
 - The organized bar, including the State Bar and local bar associations?
 - The civil legal aid providers?
 - Funders?
 - Community/civic/business organizations?
 - Other key institutions?
- Does the composition of the Commission ensure that all core stakeholders are represented and have an opportunity to participate?
- Do key partners and stakeholders participate, when appropriate, in activities and strategies of the Commission?
- Does the Commission draw effectively on capacities of its partners?
- Does the Commission communicate effectively and consistently with its partners and stakeholders to maintain their support?

Planning and assessment

- Has the Commission engaged in formal or informal planning?
- Did it result in a written plan that guides the Commission's work?
- Does the Commission measure or assess whether it has accomplished its organizational goals and objectives?
- Does the Commission regularly assess its organizational effectiveness and structure to ensure that it is operating as effectively as possible?

Leadership

- Does the leadership of the Commission provide clear direction for it?
- Does the Commission have strong, proactive leadership that advances the Commission's agenda?

- Do the Commission's leaders serve as effective spokespersons for it and for access to justice?*
- Does the Commission foster the development of new leadership for the future?*

Communication with Partners, Stakeholders and others

- Does the Commission communicate effectively and consistently about the work it has undertaken and the importance of that work to access to justice?*
- Does the Commission effectively use a variety of means to communicate with partners, stakeholders and the public, including*
 - Broadcast and print media?*
 - Social media?*
 - Websites?*
 - Conferences, meetings, summits and other similar events?*

Broadening the Commission's reach

- Does the Commission have institutional stature and credibility in the legal and other relevant communities?*
- Does the Commission provide a perspective and a voice that are independent of the interests of the providers, the courts and the organized bar?*
- Is the Commission recognized as providing a perspective that transcends partisan concerns?*
- Does the Commission build on the support of its core partners to include others with a stake in the civil justice system?*
 - Law schools*
 - Administrative Office of the Courts*
 - Indigent Defense Services*
 - Legislators*
 - Representatives of the Executive Branch, such as the Office of the Attorney General*
 - Organizations representing business, labor, religious, educational, health and social services*
- Has the Commission succeeded in enlisting high-profile and influential persons, including Commission Members, as champions for equal justice?*
- Does the Commission communicate effectively with key persons in the civil justice system as well as the general public regarding access to justice issues and the need for a strong system for the delivery of civil legal aid?*

- Does the Commission communicate effectively with decision-makers and influencers of public opinion regarding access to justice issues and the need for a strong system for the delivery of civil legal aid?*
- When appropriate, does the Commission enter into collaborative initiatives with partners such as public librarians, schools of social work and public administration, hospitals, social service providers and faith-based organizations?*

Scope of activities

- Does the Commission have a clear understanding of the duties and responsibilities that it has been given or has taken on?¹*
- Does the Commission engage in a full range of activities and strategies to accomplish its goals and objectives?²*
- Does the Commission have clear, written goals, objectives and intended outcomes for the projects and initiatives that it undertakes?*
- Are its intended outcomes stated in terms of improved end results, such as higher satisfaction for litigants, saved time and money for litigants and courts or reduced social costs?*
- Does the Commission regularly develop plans for the implementation of its recommendations or proposed policies by it or by other appropriate institutions or organizations?*
- Does the Commission regularly measure or assess whether its initiatives and projects have accomplished their intended outcomes?³*
- Is the Commission successful in finding or generating resources when necessary to complete its strategies and activities?*
- Has the Commission generally been successful in accomplishing the stated objectives and intended outcomes for its projects and activities?*
- When appropriate, does the Commission coordinate its efforts with other organizations that also address statewide access to justice issues, such as resource development?*

¹ In many states, the duties and responsibilities will be set forth in the Commission's enabling document, such as a Supreme Court Order.

² A compendium of activities undertaken by various Access to Justice Commissions can be found on the web site of the ABA Resource Center for Access to Justice Initiatives [here](#).

³ See [A Framework for Outcome Evaluations for Access to Justice Commissions](#).

Organizational and Operational Effectiveness

Commissioners

- Are all Commission members actively engaged in the Commission's activities?*
- Are expectations of Commissioners clear?*
- Are new Commissioners provided orientation and other support?*
- Are new Commissioners afforded an opportunity to grow into leadership positions?*

Committees/Task Forces/ Subcommittees

- Does the committee structure meet the needs of the Commission in accomplishing its stated objectives?*
- Do all Commissioners actively participate in committees?*
- Do the committee chairs understand their roles and responsibilities?*
- Does the committee structure provide for the right balance between continuity (standing committees) and flexibility (ad hoc committees), particularly as new issues arise and new initiatives are undertaken?*
- Do the committee structure and operation provide an opportunity to bring new participants into the access to justice community?*
- Are the areas of focus and the responsibilities of each committee clear?*
- Are there effective mechanisms for committees communicating with the Commission and with each other?*

Staffing

- Does the Commission have adequate staff capacity to meet its responsibilities and to support the activities of the Commission and its committees?*
- Is there a clear understanding by volunteers, including Commission Members, of their responsibilities and the need for their active participation where staff is not available?*
- Does the staff, including volunteers, have the requisite interpersonal, communications and political skills as well as knowledge of the legal system and the legal needs of low-income communities?*

Meetings

- Are meetings of the Commission productive and engaging with substantive interchange and discussion and a minimum of pro forma reports and routine approvals?*

- Is the time in meetings effectively managed, so that adequate consideration is given to agenda items, but the discussion does not take too long on any one item?*
- Are the meetings open to non-Commission members, stakeholders and other interested parties?*