

ATJC Law School Partnerships Meeting
March 18, 2015; 11:00 AM
By Phone

In Attendance: Angie Wagenhalls, Debbie, Erin Farris-Olson, Kate Kuykendall, Jamie Iguchi, Diana Garrett (partial attendance), Beth Baker, Randy Snyder, Patty Fain.

Jamie opened the meeting at 11:04, and gave a brief introduction to the topic of the meeting, which is the memo Erin prepared outlining the process development for Voluntary Pro Bono Reporting.

Beth referred the group to Page 3 containing the flow chart. The chart says the OCA will compile non-identifying information and submit a biannual report to the MT Supreme Court. She's not sure that is explicitly contemplated in the Court's Order. The Court doesn't need to be bothered with this twice every year; this kind of information can go to the Commission, which can then report to the court as a matter of its regular reporting schedule.

Patty shared it was her impression that the role of the Commission in this regard wasn't clarified. It makes more sense that the report would go to the Commission rather than the Court. We also need to distinguish what we mean when we say "Court".

Erin agreed that the Court's Order doesn't require this in any way. The reason we answered this question at all was to discuss what to do with the information. Where the report goes can be changed to the Commission. It's up to the OCA how often it will be reported.

Beth said that we have two admission processes (two bar exams), but annually or "at least annually" would be sufficient.

Patty said that if attorneys say they can be contacted in the report, it could trigger that contact. If we don't do it biannually we risk having a whole year go by before we do anything with it.

Beth moved on to talking about access to information. On page 6, the FAQs, number 6 discusses who will have access to the information. The last line allows you to choose to be contacted. That language is tricky. The form itself on page nine talks about what you agree to when you sign your consent. It says the ATJC can approve legal services providers to receive information. That needs to match the FAQ number 6 language; they must match and be consistent. It should be the Commission that takes the role in figuring out or recommending service providers to receive information. The Court doesn't need to be involved in the administration of the program. These issues should first go to the Commission.

Erin asked what the item should say. Beth said that the information that's in there now on the form (page 9) is sufficient. Just repeat the information. We may not need to be any more specific than that. We need to be consistent and make it clear where the information goes and who decides.

Patty said we can later clarify after the program is launched; applicants may want to know who has been approved. We should contemplate how that information will be provided to applicants who want to know.

Beth noted that this isn't scheduled to begin until February 2016, so we have time to get approval before this takes effect.

Patty said these points are important, and we can continue to work when we leave this meeting. The discussion about pro bono reporting generally is on the table as well. These approvals and sharing of information should be done at a certain time each year.

Erin said she will make the changes discussed here. She shared that there are two things that have come up that she wants feedback on.

Jamie asked about FAQ # 3 and # 6. She didn't see anything mentioning distinguishing between what happens to information if you're admitted vs. not admitted. Would it be helpful to include discussion of that? On the form, it allows people to say they'd like to receive information if they are admitted. Erin said she will add "If admitted" to the beginning of question 3. Beth clarified that the second paragraph of #3 should include the admission clarification, not the first sentence. Erin will make the change.

Erin said we don't have a process for collecting the information unless the person is admitted. We don't have a way to input non-identifying information of people who apply to the bar but are not admitted.

Beth said we don't need to create a new process for gathering information from non-admitted people.

Erin said that there are three options for identifying where you are coming from when you apply for admission. She's heard a concern that, because it is part of the application for bar admission for Montana it may seem we are offering preference for Montana students. Patty shared that this information was sought for the ability to mine data that lets us do what we want to do with this process generally. Professor Wandler said back when we contemplated this process initially we need to know whether they participated in opportunities here at Montana's law school so they have hours to report, where we don't have that ability if they apply from other schools or states. Beth said if that's the only reason, we can take it out. Patty will clarify with Professor Wandler if that is the reason she advocated including this item.

Erin said that the additional contact information at the end of the form is at issue. What the State Bar has found is that it will be easy for us to track information about whether they want training opportunities, etc., through "Your Membership". We can just keep this within their complete profile in the State Bar's database, which means we can search this information and see where they went to school, what information they've put here, where they practice, etc. I'm not sure how necessary this contact information piece is on the form.

Beth said that there has to be some place to sign their consent and say who they are. What are you proposing to take out. Erin said she thought this would be in the application so we would know who they are. Beth said it's a separate form, so they need to be identified. Patty said that bifurcating the two may be more complicated; we still want contact information there. Erin said she'll leave it; we just won't be entering the city, state, and zip code anywhere because it'll already be a part of the state bar's database.

Jamie asked if there are any other concerns from the State Bar on the process. Erin said no, other than some little cleanup things.

Jamie asked for other comments. Debbie said she can foresee a situation where someone doesn't want to voluntarily want to report their hours, but still wants to receive information on pro bono opportunities. That option doesn't seem to be on this process. We miss people who don't want to

report but who might want to be contacted. Patty said on the current Pro Bono report people can just report zero; sometimes they want to say why they report zero. She can see people falling in that category here. Beth suggested putting in the FAQs that you can still complete the form even if you don't report hours so that you can receive information if you want it. Maybe in the bar application materials where the pro bono report is introduced, you could say it lets you 1) report hours OR 2) indicate your interest in receiving information.

Patty said that's good; since she created those materials she can make a slight change in the overall materials. Patty will draft something for the activities statement overview; Erin will add this item to the FAQs.

Erin mentioned that we do hand out materials at the swearing in, so we might revise those materials to include this and answer those questions. We can offer the opportunity.

Beth asked when the ATJC meeting materials will go out. Kate said Monday. Patty and Erin will try to get them changed in time.

Beth said that in a couple of weeks she has a meeting scheduled with the new incoming dean at the law school, and Jamie will be attending. Hillary Wandler and Andrew King-Reis will also be there. We'll introduce him to the Commission, the Committee, and get him acquainted with this and make sure he understands our interest in working closely with the law school.

Patty said that we completed the Law School survey on incubator programs. The survey was successful, and Professor Wandler has the data. We'll figure out how the information is presented; about 60% of the students submitted the survey.

Meeting Adjourned: 11:40 a.m.