

Montana Supreme Court Access to Justice Commission
December 3, 2021
Zoom Video Conference
10:00 AM – 12:00 PM
Meeting Minutes

Commissioners Present: Justice Beth Baker, Ed Bartlett, Aimee Grmoljez, Hon. Leslie Halligan, Katy Lovell, Mark Mattioli, Kyle Nelson, Alison Paul, and Olivia Riutta.

Commissioners Absent: Georgette Boggio, Rick Cook, Hon. Stacie Four Star, Sen. Terry Gauthier, Dean Paul Kirgis, Hon. John Kutzman, Daniel McLean, and Rep. Katherine Sullivan.

Others Present: Emma Schmelzer, Niki Zupanic, Kathryn Hohmann, Harley Brown, Alex Kramer, Kim Dudik, McKayla Henson, Patty Fain, Ann Goldes-Sheahan, Sarah McClain, and Krista Partridge.

Call to Order & Introductions

Justice Baker called the meeting to order at 10:06 a.m. Justice Baker introduced Emma Schmelzer, the new ARPA Coordinator. She noted that Emma brings a wealth of national and international experience on mediation and we were fortunate to find someone of her caliber to join the team. Emma added that she is excited to return to Montana to help implement the Simplified Family Law Resolution Project. The approval of minutes from the last meeting was postponed until a quorum was present.

ARPA Simplified Family Law Resolution Project

Alison Paul said that MLSA is still waiting for the final contract from the Court Administrator's Office. MLSA will be working with the court to provide mediators for family law litigants who are under 300% of the federal poverty guidelines. Emma Schmelzer said that she has discussed the E-RAMP pilot with Patty Fain and hopes to build on the success of that project to tackle backlogged court calendars, empowering people to be able to move forward with their lives. She confirmed that Cascade County will be participating in the project, and said that she will be working with MLSA on procedures and protocols. Emma added that the Informal Domestic Relations trials are less intimidating and frustrating for self-represented litigants. Justice Baker said that the focus of the project will be on getting concrete data to measure outcomes and that we hope to have a full year of experience and data to present at the next legislative session.

MLSA Update

Alison Paul reported that the Montana Eviction Intervention Project with the Department of Commerce has expanded beyond providing attorneys for tenants facing eviction and will include MLSA administering rental assistance funds to eligible tenants in court-connected eviction cases. MLSA is hiring additional eviction navigators and intake and compliance specialists to support the project. The expanded program will also include a mediation component. MLSA has also received a grant from the Legal Services Corporation to revamp the MontanaLawHelp website by adding guided navigation and other improvements to make the website easier to use. Finally, Alison noted that MLSA is partnering with the Court Administrator's Office and the University of Montana on a pilot project to provide social worker services in dependency and neglect cases as a

first intervention to keep children from being removed from the home. Justice Baker thanked Alison and noted the critical importance of the eviction prevention project in averting homelessness. Justice Baker also congratulated Alison and MLSA on the national recognition for the Rural Incubator Program for Lawyers as highlighted in the current issue of the Montana Lawyer.

Court Help Program Update

Alex Kramer reported that four of the six self-help law centers (SHLC) are open and that the new AmeriCorps member in Bozeman will be starting soon. The Great Falls SHLC is still recruiting for an AmeriCorps member, and the center will be re-locating to the library. Justice Baker asked how people are being served in areas where the SHLC is closed. Alex said that the Helena SHLC and State Law Library staff are available by phone and have been sending out forms and assisting clients.

Justice for Montanans AmeriCorps Update

Harley Brown reported that the Justice for Montanans AmeriCorps program (JFM) has 26 member slots for the 2021-22 service term, with most members serving at the SHLCs and at MLSA. Additional members serve at the Office of Consumer Protection, Montana Fair Housing, YWCA Missoula, Legal Services Developer, and the Office of Child and Family Ombudsman. She explained that members help add capacity to serve Montanans in need of legal services and said that in the last service term, members reached over 50,000 Montanans through their outreach efforts. The difficulty in recruiting members this year is largely due to housing costs. Harley noted that one of the members from the last term needed over 60% of her stipend just to pay rent. Alison encouraged everyone to think of older individuals who might be interested in serving. Justice Baker pointed out that many JFM alumni return as staff members or volunteers because their AmeriCorps experience inspires a lifelong commitment to help. Emma Schmelzer suggested that recruiting host families for members might be a good option.

Outreach and Communications Committee

Katy Lovell said that the committee has been meeting monthly and is working on targeted messaging designed for different audiences. She shared a "Smart Chart" process that the group has been working on and explained that the first chart will be designed for the Governor's office as the intended audience. Katy explained that the committee will share the chart with the members once it's finalized. Justice Baker thanked the committee for starting on this work. Niki Zupanic added that the committee will be seeking input on the chart from other committees and members of the commission.

Katy then needed to leave the meeting, but voted to approve the September meeting minutes before leaving.

Self-Represented Litigants Committee

Ann Goldes-Sheahan reported that she hasn't been active on the committee recently due to the rollout of the new State Bar tech platform and asked Sarah McClain to give an update on the committee's activities. Sarah said that State Law Librarian Christine Mandiloff has agreed to co-chair the committee and that the committee plans to hold a strategic planning session in early January. Sarah said that the priority for the committee is to develop resources that aren't already

covered by MontanaLawHelp or the Legal Services Developer. The most recent project was a brochure for informal probate and supplementary family law FAQs. She said the committee is open to new members and welcomes suggestions on topics where resources are needed. Justice Baker said that the outreach to libraries is very beneficial and is thankful for the involvement of Christine and the State Law Library. Ann Goldes-Sheahan added that the new State Bar Licensed Lawyer website will go live soon and should make it much easier for the public to find lawyers and link to resources. She said she will reach out to Alex Kramer to provide training on the Licensed Lawyer site to SHLC staff.

Approval of September Meeting Minutes

A quorum was reached when Aimee Grmoljez joined the meeting. Justice Baker asked if there were any additions or corrections to the September meeting minutes. There were no additions or corrections. Judge Halligan moved to approve the minutes as submitted and Alison Paul seconded the motion. The minutes were approved without objection.

Policy and Resources Committee

Justice Baker reported that the committee will be working with the Outreach and Communications Committee and the ARPA program to prepare for the 2023 legislative session. She added that the committee will also be discussing the idea of a tax credit for lawyers who locate in rural areas and will look at models in Maine and Arizona for ideas.

ABA Racial Justice Working Group Update

Kim Dudik reported that the group met in October and agreed on the need to take a different and systematic approach to get tribal organizations and native populations involved in the group. She said that Alison Paul is working on finding and hiring a facilitator for the next meeting. She said that Justice Baker worked with the Judges Association to include implicit bias training in the next meeting. Justice Baker clarified that Justice Gustafson has discussed the subject with the National Center for State Courts and is working to include racial justice education at the Judges Association meeting. Justice Baker said we are learning from the ABA and other national efforts and there are great resources available to educate jurors and court personnel on implicit bias.

2021 Pro Bono Report

Patty Fain presented the 2021 Pro Bono report and covered some highlights from the report. She said that in 2020, 1,150 attorneys reported 100,000 hours of service, worth approximately \$14,000,000. Reporting for pro bono hours is voluntary and Montana has a great tradition of leading the nation in pro bono reporting, even ahead of states with mandatory reporting. Unfortunately, reporting is down 40% from three years ago, likely a result of the pandemic. She said that innovative approaches for reporting and ways to provide service have grown out of the pandemic and it's possible that this will foster a long-term increase in service. Patty reported that that service had started to decline even before the pandemic, and she is concerned that the aging attorney population and less volunteerism shown by newer attorneys will increase that trend. She asked the group to share perspectives and ideas on how generate more interest in pro bono service in the face of increasing need. Justice Baker thanked Patty and agreed that we need to find ways to reinvigorate a spirit of service in members of the bar and come up with different approaches to more effectively engage out-of-state attorneys being admitted by motion. She said that we need to build on the innovations that came out of the pandemic. Aimee Grmoljez suggested using Survey

Monkey to send out a survey to attorneys so that they can provide input anonymously. Patty said that she feels a need to dig a little deeper than what can be gained through an online survey, and that she's looking at ways to do focus groups that could also be anonymous. Justice Baker said that engaging law students and instilling the culture of service at an early stage in their careers will be key for the future. Ann Goldes-Sheahan said that some of the younger trustees on the State Bar Strategic Planning Committee were very interested in pro bono service and might be willing to lead the effort to engage their peers.

Public Comment and Next Meeting Dates

Justice Baker asked for public comment. There was no public comment. The 2022 meeting dates are listed on the agenda and Justice Baker asked members to put them on their calendars. The meeting was adjourned at 11:30 a.m.