

**Montana Supreme Court Access to Justice Commission**  
**December 7, 2018**  
**Large Conference Room, Office of the Court Administrator**  
**301 S. Park, Third Floor, Helena, MT**  
**10:00 AM – 12:00 PM**  
**Meeting Minutes**

**Commissioners Present:** Justice Beth Baker, Ed Bartlett, Melissa Schlichting, Hon. Stacie Smith, Alison Paul, Dean Paul Kirgis, Aimee Grmoljez, Katy Lovell, Rick Cook, Kyle Nelson, Dan McLean, Melanie Reynolds, and Georgette Boggio.

**Commissioners Absent:** Sen. Terry Gauthier, Rep. Kim Dudik, Hon. Leslie Halligan, Hon. John Kutzman, and Hon. David Carter.

**Others Present:** Sarah McClain, Niki Zupanic, Carin McClain, Angie Wagenhals, Hon. John Parker, Abby St. Lawrence, Bill Bronson, Lars Phillips, Anisa Ricci, Brooke Bray, Nolan Harris, Ann Goldes-Sheahan, Patty Fain, and Krista Partridge.

**Call to Order & Introductions**

Justice Baker called the meeting to order at 10:03 a.m. and introduced Carin McClain, the new Program Assistant at the Montana Justice Foundation. Justice Baker asked for corrections on the September meeting minutes. There were no corrections. Aimee Grmoljez moved to approve the September minutes and Melanie Reynolds seconded. The minutes were approved without objection.

**Legislative Update**

Justice Baker provided an update on preparations for the 2019 Legislature and directed the group to Tab 3 of the meeting packet for a link to the draft of the funding bill. The bill will be introduced early in the session and will be sponsored by Rep. Holmlund in the House and Sen. Gauthier in the Senate. Justice Baker said that best way for Commissioners and others to support the bill is to reach out to legislators on the committee lists, particularly if you have a connection or live within a particular legislator's district. Fact sheets with information and statistics are included in the meeting packet. Aimee Grmoljez offered to provide a spreadsheet template for tracking contacts with legislators. Abby St. Lawrence added that it's important that all feedback is shared so that those lobbying can address any concerns that are raised. Judge Parker suggested that it might be helpful for a small delegation to show up for Executive Action to ensure that "yes" votes hold up. Justice Baker asked Kyle Nelson to follow up with Bozeman area legislators. Melanie Reynolds suggested that the 2-page handout of sidebars with plain language talking points will be very helpful when speaking with non-lawyers about the bill.

**Montana Legal Services Association Update**

Alison Paul reported that MLSA was awarded almost all of the grants that were applied for in the spring, and so things are very busy hiring for 12 positions. New grant awards include: funding through the Aging Services Bureau to hire an elder abuse attorney; federal Office of Victims of Crime funding to hire an attorney and navigator to assist rural victims of crime and to create a website to help direct victims of crime in Montana to the appropriate legal and social services

resources; a federal Office of Violence Against Women grant in partnership with the Safe Space DV program to place a full-time attorney in Butte; Legal Services Corporation (LSC) funding to establish an emeritus pro bono program for retired attorneys to do pro bono work and to mentor pro bono attorneys; LSC technology grants to develop artificial intelligence capability on the AskKarla online advice platform, and to add video conferencing technology at Self Help Law Centers to extend services to rural communities.

### **Justice Initiatives Committee**

Ann Goldes-Sheahan reported that Niki Zupanic has been working with the JIC to assess the structure of the group and subcommittees. The JIC has many new members and with Brandi Ries and Robin Turner no longer on the committee, the Domestic Violence Subcommittee is no longer as active. The JIC members are in the process of reassessing where the group fits into the access to justice community and where the committee's efforts can best be focused.

### **Self-Represented Litigants Committee**

Nolan Harris reported that the committee is developing an inventory of all the automated family law and other pro se forms and comparing them to forms used in different judicial districts in an effort to understand the differences and get buy-in for statewide standard forms. Nolan said that the video conference grant mentioned by Alison Paul also includes funds to update the parenting plan modification and fee waiver forms. Nolan added that the Self Help Law Centers have also partnered with libraries across the state to increase the use of automated forms and Justice for Montanans AmeriCorps members will be making videos on how to use the forms. Nolan also reported that a needs assessment is underway to identify the most-needed educational resources and forms to produce. Justice Baker added that we are trying to get judges involved early in the process and that Judge Parker and Judge McElyea are assisting in that effort. Nolan said that he will provide an update on the forms at the March meeting.

### **Law School Partnerships Committee**

Niki Zupanic reported that the new law school pro bono coordinator started in September and that there has been excellent law student participation in the pro bono clinics. The primary barrier to participation has been the shortage of attorneys to supervise the students. Niki also reported on the Rural Incubator Program for Lawyers (RIPL) that is funded by the Montana Justice Foundation. She said that although the program is still trying to raise funds for stipends, most other incubator programs don't use stipends to attract participants. All of the support and training offered to participants is the primary benefit. She expects that the first class of 2-4 RIPL participants will be on board by late February or early March.

### **Strategic Planning Committee**

Niki Zupanic provided an update on a grant received from the National Center for State Courts for the "Justice for All Project" to support the Commission's strategic planning effort. She reminded the group that we had applied for this funding in 2016 and were unsuccessful, but had decided to move forward with strategic planning on our own. In June 2018, we were invited to apply for a new round of funding and were awarded \$70,000 for 18 months to conduct strategic planning. The application and award documents are included in Tab 6 of the meeting materials. Helena attorney Tara Veazey has been hired as the consultant on the project. She has an extensive background in the law and public policy, having previously worked as Governor Bullock's Health Policy Advisor

and as the Executive Director of the Montana Budget and Policy Center. Tara is currently developing options for work plans and how to proceed, and will meet with members of the Strategic Planning Committee on December 17 to review the work plan. Justice Baker added that we will roll our existing strategic planning work into this process. Niki said that the revised draft Strategic Plan begins on page 54 of the meeting packet and that revisions from earlier feedback have been incorporated into the new draft. The plan now includes a core values statement; we also revised and clarified the strategy leaders, including the addition of the ABIII School of Law as a strategy leader. The Justice for All Project will move this interim document forward. Niki asked that the Commission adopt the current draft as the Interim Strategic Plan as we embark on the Justice for All Project. Justice Baker asked for comments on the plan. Justice Baker suggested a change to the second bullet point under “Resource Development” (page 55 of the meeting packet) to read: “...assure access to justice for ordinary Montanans who cannot afford to hire attorneys for legal problems.” Melanie Reynolds said that “ordinary Montanans” is fine, but she would like to retain “vulnerable persons”. She suggested that Justice Baker’s language might work well as part of the first bullet point. Justice Baker thanked Niki for her great work on the plan and asked for a motion to approve the plan. Dan McLean so moved and Ed Bartlett seconded the motion. The motion passed without objection.

### **E-RAMP Update**

Patty Fain reported that E-RAMP launched in September and thanked the judges and clerks who have worked to make the program a success. She said the program was designed to be automated and self-sustaining and that it is working well so far. The first three cases that have gone through the program have settled and she expects that it will take 6-8 months for the program to operate at full capacity. Patty said that she is currently doing the intake and scheduling from an online platform and the court accesses the schedule through their case management system. Justice Baker noted that the court-connected mediation program would qualify as an eligible entity for civil legal aid funding under our proposed legislation and the program could perhaps be expanded to include landlord-tenant cases as a court efficiency measure.

### **Potential rule changes from State Bar Ethics Committee**

Patty Fain reported that the State Bar Ethics Committee is considering a proposed rules change regarding limited scope representation in order to align with the ABA model rules and to better clarify the delivery of limited scope representation. Alison Paul noted that by reverting back to the ABA model rules, the requirement that the client’s informed consent be given in writing would be eliminated. The requirement that consent be given in writing was added when the rule was revised in 2011. Alison stated that she doesn’t believe the proposed change will hurt limited scope representation. Dan McLean added that limited scope representation should be supported and not made more difficult. Ann Goldes-Sheahan said that the intent of the proposed rule change is to simplify and encourage limited scope representation, and not to hinder it. Justice Baker added that proposals for any rules changes will come to the Supreme Court and will be open for public comment.

### **Public Comment and 2019 Meeting Dates**

Justice Baker asked for public comment. There was no public comment. Justice Baker reviewed the 2019 meeting dates and noted that the March meeting agenda will be limited due to the legislative session. The meeting was adjourned at 11:35 a.m.