

Montana Supreme Court Access to Justice Commission
March 6, 2020
Conference Room, State Law Library of Montana
215 N. Sanders, Helena, MT
10:00 AM – 12:00 PM
Meeting Minutes

Commissioners Present: Justice Beth Baker, Hon. David Carter, Aimee Gromljev, Kyle Nelson (phone), Sarah McClain, Dan McLean (phone), Ed Bartlett (phone), Dean Paul Kirgis (phone), Melissa Schlichting, Katy Lovell, Rep. Kim Dudik (phone), Alison Paul and Hon. Leslie Halligan (phone)

Commissioners Absent: Rick Cook, Sen. Terry Gauthier, Hon. John Kutzman, Melanie Reynolds, and Hon. Stacie Smith

Others Present: Tara Veazey, Brian Coplin, Patty Fain (phone), Carin McClain, Hon. Kaylan Minor, Nolan Harris, Ann Goldes Sheahan and Sarah McClain

Call to Order and Introductions

Justice Baker called the meeting to order at 10:01 am

ACTION: APPROVE 9/20/19 AND 12/6/19 MEETING MINUTES

Justice Baker asked Commissioners to approve the minutes from the September 20, 2019 and December 6, 2019 meetings. The minutes for the September and December meetings were approved unanimously.

Early Resolution and Mediation Project (E-RAMP) Update

Patty Fain provided the update to the Commission, briefly reviewing that E-RAMP is a court-connected, volunteer-based program that provides no-cost mediation services to those unable to pay. Patty reviewed the summary which starts on page 18 of the meeting materials. Patty reviewed the outcome of the pilot program and shared that there has been an overwhelming positive response to mediation by both participants and those in the justice system. She went on to share that in her 13 years working on access to justice issues she has never received so much positive feedback. Patty stressed that a key to the positive outcome is the education component which includes relevant materials provided by the program.

Justice Baker commented that the judges in the 11th Judicial District have adopted the standards and guidelines of the project. She also asked Patty who is going to provide the staffing and resources to facilitate the program moving forward. Patty responded that Flathead

County District Court Administrator Devin Kuntz will take care of the administrative function. Statewide will provide intake but each court will be responsible for own administration.

Dean Kirgis commented that he is quite gratified to see the report and that it is an important success that the access to justice community needs to share more broadly. Justice Baker shared that she mentioned the program at a recent meeting of the District Court Council, of which Flathead County Commissioner Randy Brodehl is a member. He is also enthusiastic about the project. Justice Baker wrapped up the discussion by thanking Patty for her work and sharing that she thinks E-RAMP has the potential to make a meaningful difference.

Strategic Planning and Justice for All Grant Update

Tara Veazey reported that the first round of funding will be wrapped up in mid-May. She and Niki Zupanic recently received word that they will receive additional funding, likely around \$25,000, for a total of around \$40,000 of funding. Tara reviewed some of the priorities that have been identified:

- Court process and simplification: they met with a group of judges to understand how they might streamline the court processes. She summarized the concept of Informal Domestic Relations Trials, which has been adopted in 5-6 other states, mostly in the West. She went on to share that the basic idea is that two litigants waive certain things so the process is more informal. In this model the judge takes a much more active role and the rules of evidence do not apply.
- Judicial Toolkit: in 2004 the access to justice community provided a bench guide to judges tailored from a national model. A nearly 300-page document, it was helpful at the time but was not widely used and is now hard to find. There is still an appetite for these types of tools, but most now think that a more accessible toolkit format would be more useful. Tara explained that the idea for a toolkit is that it will include some written descriptions, including how to handle evidence with self-represented litigants. It will also include bench cards and a checklist so there are tools that judges can easily grab. Tara shared that the group hopes to get one chapter done by May 15.
- Access to Justice Conference: Tara shared that the group had some initial discussions about having a conference in June as a way to build enthusiasm and coordination around the possibility of using some of the grant funding to create mini-grants for things like E-RAMP.

Justice Baker asked the group if anyone had questions for Tara. Hearing none, she thanked Tara for all her worked and shared that it is exciting to see all of the work in the hopper.

Self-Represented Litigants Committee Update

Nolan Harris shared that a few forms are now done including: affidavit to waive hearing, dissolution decree, probate, quick claim deed with instructions and a few generic documents. Justice Baker asked Nolan to email her when they are finalized.

Nolan also shared the work being done creating guidelines for translating forms. He added that they don't have a lot of requests but want to be sure to have them ready in case they are needed. Additionally, the committee is working on explanation videos that will be 3-4 minutes long.

Co-chair Ann Goldes Sheahan, shared that the committee worked on strategic planning with Tara Veazey through the JFA grant which they found very helpful. They identified the following priorities

1. Creation of process: internal structure for committee to follow to ensure continuity
2. Seamless referral system: will include flowcharts that can be used at different levels
3. Explainers: videos that are focused on self-represented litigants

Ann summarized that the committee believes that if they focus on these things they can get the most impact.

There was a discussion about how various courts and groups might use these resources.

Policy and Resources Committee Update

Justice Baker provided the update since Chair Abigail St. Lawrence was unable to attend. She directed attendees to look at materials provided in meeting packet including the bill draft, 2-pager and longer FAQs. Justice Baker reported that after the primary election in June they plan to do district visits including meeting with judges to talk about caseloads. She added that they did some meetings in January during Legislative Week and received some good feedback.

Discussion followed about ideas for moving the Commission's legislative proposals forward in the 2021 session.

Communication and Outreach Committee Update

Katy Lovell provided the committee update since Chair Melanie Reynolds was unable to attend. She shared that the committee met on January 29 and has been reviewing handouts from the Policy and Resources committee, working on an infographic, and updating district-specific fact sheets. Katy went on to share that they are also collecting stories on how civil legal aid impacts communities, preparing letters to the editor on why civil aid is essential. She also shared that like the others, the Communication and Outreach committee is working with Tara Veazey on strategic planning.

Justice Baker asked if anyone had questions for Katy and added that the two committees are working to make sure that bill materials are easy to read and provide a clear, consistent message.

Montana Legal Services Association Update

Alison Paul shared the following update for MLSA:

- Pro Bono: Around 1,000 cases. Angie is taking a sabbatical, but they have a backup system in place to support the program. Please reach out to Alison with any questions.
- Emeritus Program: going well with 17 volunteers and have applied for LSC sustainability grants
- Medical Legal Partnership: 6 health centers that refer cases and a new attorney at St. Pat's, a hospital in Missoula
- Indian Legal Needs Assessment: hired Kelly Carmody who is going to run survey and write paper. AmeriCorps members will be working on this as well.
- Equal Justice Conference: Katy, Sarah, Justice Baker, Niki and a few others plan to attend
- Crime Victim Website: in progress under a cooperative agreement, which means it is subject to government oversight and approval. Redid child support calculator and restitution calculator
- LSC technology innovations: money provided to build an online support for small claims.
- Building consumer tools online: an interactive tool people can use that includes a garnishment calculator that MLSA's consumer attorney designed.

Law Library Update

Sarah McClain shared that Kevin Cook is building a new test ATJC website; the Communications and Outreach Committee reviewed other states' sites and picked what parts they liked, including what categories to include.

She also shared that there is a great video from the Kresge Foundation – [“What is Civil Legal Aid?”](#)

Justice Baker asked Sarah to share the test site with the Commission and others who might be interested.

Sarah also discussed the upcoming Law Day on May 1 that will take place in libraries across the state. The event coordinator is Amelea Kim, who should be contacted if any attorneys want to volunteer to present. Alison shared that an MLSA attorney is doing a presentation on Northern Cheyenne Reservation.

Yellowstone County DV Exploratory Project

Judge Carter presented the project taking place in Yellowstone County and shared that Amanda Green with the prerelease center in Billings did a majority of the work making the project a reality. He directed commissioners to materials on page 76 of the meeting packet which illustrates many program objectives and metrics. He reviewed the program at length, including

what makes someone eligible, project implementation and evaluation plans and potential challenges. Judge Carter's presentation focused on all the benefits of this type of court approach.

Judge Carter answered various questions from attendees and there was some discussion. Justice Baker thanked Judge Carter for his important work.

Justice Baker called for public comment and hearing none, adjourned the meeting at 11:41 am.

DRAFT