

Montana Supreme Court Access to Justice Commission
March 9, 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, Rep. Kim Dudik (phone), Hon. Leslie Halligan (phone), Rick Cook (phone), Kyle Nelson (phone), Alison Paul, Dean Paul Kirgis (phone), Ed Bartlett, Aimee Grmoljez, Melanie Reynolds, and Charlie Rehbein (phone).

Commissioners Absent: Matthew Dale, Sen. Terry Gauthier, Hon. Greg Pinski, Hon. David Carter, Hon. Winona Tanner, Dan McLean, and Georgette Boggio.

Others Present: Crystine Miller, Niki Zupanic, Abby St. Lawrence, Derrek Shepherd, Ann Goldes-Sheahan, Nolan Harris, Sarah McClain, John Mudd, Debbie Steigerwalt, Patty Fain, Beth McLaughlin, and Krista Partridge.

Call to Order: 10:05 a.m.

Justice Baker asked for comments or corrections on the December meeting minutes. There were no comments or corrections. Aimee Grmoljez moved to approve the December minutes and Alison Paul seconded the motion.

The December minutes were adopted with no objections.

Self-Represented Litigants Committee Report

Ann Goldes-Sheahan reported that the fee waiver form is final and has been published in the rules. She added that it is being used and that court personnel are generally happy with the form. She thanked Amy Hall and Stuart Segrest for their work in drafting the form and getting it approved and published. Justice Baker said that she will be presenting at an upcoming meeting of the Courts of Limited Jurisdiction and will highlight the form. Ann said that Nolan Harris, who is now the chair of the Education and Outreach Subcommittee, is working on training materials for the clerks, and that subcommittee member Sarah McClain has also worked hard on promoting the new form. Ann stated that the Forms Subcommittee is drafting procedures for the development and maintenance of court forms. Abby St. Lawrence reported that the warden at the Women's Prison mentioned that, due to limited internet access, forms that are not printable don't work for the prisoners. Nolan Harris responded that all the forms, even those that have been automated, are printable and added that he will reach out to assist the prison warden. Alison Paul said that at some point the links to the printable family law forms had dropped off the website, but that this has since been fixed. Sarah McClain said that prisoners often request forms from the State Law Library and said that she would also reach out to the prison warden.

Law School Partnerships Committee

Debbie Steigerwalt reported that the committee is still seeking Commissioners to become members. The last meeting of the committee was a strategic planning session and included law

school faculty and staff. She added that the next meeting of the committee will be on April 11 and that they've moved the regular meeting time to noon in order to facilitate more involvement. Debbie also reported that the Montana Justice Foundation awarded funds for the Pro Bono Incubator program and that Hannah Cail has been hired as the program coordinator. Justice Baker noted that committee member Jessica Fehr may not be able to continue on the committee due to her recent appointment as District Judge in Yellowstone County. Justice Baker said that she would follow up with Judge Fehr.

Policy and Resources Committee Update

Niki Zupanic reported that the presentation to the Law and Justice Interim Committee went well and that a link to the presentation is included in the meeting materials. The goal of the one-hour presentation was to make sure that the committee members were exposed to the breadth of issues that the Access to Justice Commission is addressing. Niki added that the public forum video was used as an introduction and was well-received by the committee. She said that the members had questions about civil legal aid funding and about increasing pro bono participation. Justice Baker added that she met with Scott Sales following the hearing and plans to follow up with every member of the committee. Abby St. Lawrence said that the Billings legislators she's spoken to want to hear about the economic impact of civil legal aid funding and would like to hear directly from businesses, judges, and those who will be paying the increased fees. Justice Baker said that we haven't approached any legislators about carrying the funding bill in the next session, and Abby suggested that we should approach Sen. McDonald or Sen. Fitzpatrick. Niki stated that a working group has been created to prepare resources for the next legislative effort, including an explanation of how the money would be used, a rough outline of the budget, and guidelines on how the money would be granted. Justice Baker added that grant-making guidelines will be presented for Commission approval at the June meeting.

Working Group on Civil Legal Issues for Domestic Violence Survivors

Alison Paul reported that the working group held their first in-person meeting in January and formed sub-groups to focus on specific issues: Orders of Protection, Procedural Justice, and Policy Issues. She added that the sub-groups are seeking members. The meeting materials include drafts of a grant-funded DV service-provider map and a list of organizations providing grant funded civil legal aid to DV survivors in Montana. She noted that the darker colored areas on the map indicate direct grant funded services and the lighter colors indicate services supported by Supreme Court Filing Fee funds. Alison thanked Brandi Ries, Diana Garrett and Mel Fisher for their work in getting this initiative started. Justice Baker asked if the map could include the number of full-time equivalent staff who provide civil legal aid to DV survivors. Nolan asked if the list can be used for referrals. Alison replied that the map and list are still in draft form, but the final list can definitely be used to make referrals. She asked for input on any other information that would be helpful to include. Justice Baker said that she'd like to share the map and list at the upcoming Courts of Limited Jurisdiction meeting. Alison also clarified that the dotted areas on the map indicate that more than one grant-funded service provider is active in the area.

Update on Congressional Meetings and NLADA Conference

Alison Paul reported that she and MLSA Board President Andy Patten, along with MLSA Development Director Michelle Potts, met with members of Montana's Congressional delegation in Washington D.C. in conjunction with the National Legal Aid & Defender Association

(NLADA) annual meeting. She reminded the group that MLSA is strictly prohibited from lobbying and we were there to provide information and education only. Alison stated that the group received a positive reception from each office and that MLSA is in the process of visiting all of the local Congressional offices to provide information to staff on how to make referrals for constituents. Alison also said that funding for the Legal Services Corporation (LSC) is not included in the Trump Administration's 2019 budget, but that NLADA is once again organizing stakeholders across the country to demonstrate the broad, bi-partisan support for legal services funding. She added that we still don't know what the 2018 appropriation will be for LSC, but the bigger challenge will likely come in the next couple of years. Finally, Alison reported that due to reductions in funding, MLSA recently laid off two staff attorneys and two part-time office assistants. She said that a 2016 Cy pres award had sustained MLSA through stagnant and declining funding in 2017, but that MLSA will now be faced with more difficult budget and staffing decisions.

Pro Bono Update

Patty Fain passed out the results of the annual pro bono survey and provided an overview of the results. She noted a significant increase in the number of attorneys reporting and the number of pro bono hours reported, but no corresponding increase in those reporting zero hours of pro bono service. She pointed out that one-third of the licensed attorneys in Montana will be retiring in the next 5 years, and that the longer an attorney has been in practice, the more likely he/she is to do pro bono service. Patty said that in light of these statistics, it will be very important to recruit newer attorneys to do pro bono service. Justice Baker said that the Court will issue a press release regarding the report and the data will be very useful in discussions with legislators. She thanked Patty, Ann, Sam Alpert, and the State Bar staff for their efforts.

Law School Pro Bono Program

Dean Kirgis said that the recently established Law School Pro Bono Program has been two years in the making, and that the goal of the program is to make pro bono service a primary emphasis for law students. He added that Professor Jordan Gross was a driving force in bringing this program to fruition. The program incentivizes pro bono service by creating recognition awards for pro bono hours served during each year of law school, and law school career awards will include transcript honors notations and graduation ceremony announcements of "Pro Bono Honors". Dean Kirgis said that the next goal is to involve faculty and staff, and thus the law school has filed a petition with the Supreme Court to admit law school faculty to the State Bar of Montana for the purpose of performing pro bono service. He asked for the Commission's support for this petition. Justice Baker noted that the petition was just delivered to the Court and has not been posted for public comment yet. Dean Kirgis also reported that he has been working with the head of the paralegal program at Missoula College to develop opportunities for paralegal students at the Self Help Law Centers and elsewhere throughout the community. Dean Kirgis said that he is willing to participate and facilitate an initiative to better utilize paralegal resources across the state, but that a leader is needed to spearhead the effort. Justice Baker suggested that the Law School Partnership Committee or the Justice Initiatives Committee might be good candidates to lead this effort. Alison Paul mentioned that she and Angie Wagenhals have been thinking about this issue and would be happy to meet with Derrek Shepherd and the Law School Partnership Committee to discuss ideas.

Strategic Planning Committee Update

Niki Zupanic thanked the members of the committee for their work on the draft of the revised Strategic Plan that was included in the meeting materials. She asked for feedback from the Commission on how to prioritize the various activities outlined in the plan, and specifically asked Commission members to decide whether the top 3-4 feasible and high-impact priority activities identified by the committee are appropriate. Aimee Grmoljez asked for more context on the statement of purpose, particularly the reference to enhancing the quality of justice. Niki replied that the broad language was meant to keep the statement of purpose succinct, but that measurements of quality could include timeliness and fairness. Justice Baker said that “quality” might not be the best word, but that it could get messy to start a long list of the attributes of quality civil legal justice. Abby St. Lawrence recommended the word “efficacy” to replace “quality” in the statement of purpose. Aimee added that our goal with the statement of purpose should be to attract and engage people with a legal background, and so we need to be clear and precise in our wording. Melanie Reynolds suggested that a list of core values could help add detail to the statement of purpose while preserving the simplicity of the statement itself.

Niki stated that the focus areas and objectives were retained from the 2013 plan, and asked if there were any suggestions for changes. Aimee commented that the focus areas and objectives seem to align well with the statement of purpose. Niki explained that the committee reviewed the strategies and activities under each focus area from the 2013 Strategic Plan, removed those that had been accomplished, and added additional items that came out of the public forum series and other state plans. The committee then pared down the list to those strategies and activities that they felt could reasonably be accomplished within the 3-year time frame of the new strategic plan. Niki noted that the strategies and activities in bold-face type in the draft plan were identified as the top priorities by the committee. Aimee asked to see the list of strategies and activities that were checked off as accomplished, and Justice Baker replied that the list will be sent out to the Commission.

Aimee noted that Item 2 under the Access focus area (*Develop and maintain mechanisms for linking Montanans who have legal problems with the programs, attorneys, and service providers who may be able to assist with their particular issues in their community*) is correctly identified as a top priority. Aimee added that she would like to see Items 3 and 4 under the Education focus area (*Facilitate partnerships with and among agencies and organizations to address the relationships between civil legal needs and non-legal needs and Coordinate with local bar associations and the State Bar Justice Initiatives Committee on recruitment and recognition of pro bono attorneys*) be changed to top priorities because they would help with the legislative funding effort by demonstrating economic impact and efficiencies. Under the Resource Development focus area, Aimee asked what joint projects have been identified for grant funding and collaboration with stakeholders. Alison Paul offered the example of the Emeritus Pro Bono Program funding application that is currently being developed by MLSA along with partners at the State Bar and Court Administrator and Montana Justice Foundation.

Niki added that the strategy leaders listed for each strategy and activity are meant as a starting point and not necessarily an assignment of responsibility. Nolan Harris suggested that MLSA should be listed as a strategy leader under Item 1 in the Access focus area (*Create a mechanism for the ongoing development, review, and updating of standardized, plain-language forms and instructions for use by self-represented litigants*). Ann Goldes-Sheahan suggested that once the

overhaul of the State Bar's Lawyer Referral Service is complete, it might be a more appropriate leader for Item 2 under the Coordination focus area (*Develop and maintain mechanisms for linking Montanans who have legal problems with the programs, attorneys, and service providers who may be able to assist with their particular issues in their community*). Justice Baker thanked Niki for leading the strategic planning process. Niki reminded the group to please email her with any additional comments or suggestions.

Public Comment and Next Meeting Dates

Justice Baker asked for public comment. There was no public comment. Justice Baker said that the next meeting will take place on June 8, and noted that morning meetings may not work well for many members of the Commission. A poll will be sent out requesting feedback on preferred meeting times. The meeting was adjourned at 11:47 a.m.