

Montana Supreme Court Access to Justice Commission

June 3, 2022

Zoom Video Conference

10:00 AM – 12:00 PM

Meeting Minutes

Commissioners Present: Justice Beth Baker, Alison Paul, Dan McLean, Ed Bartlett, Sen. Terry Gauthier, Hon. Leslie Halligan, Aimee Grmoljez, Kyle Nelson, Hon. John Kutzman, Olivia Riutta, Sarah McClain, Patty Fain, Abigail St. Lawrence

Commissioners Absent: Georgette Boggio, Hon. David Carter, Rick Cook, Hon. Stacie Four Star, Rep. Katherine Sullivan, Monte Mills, Jake Griffith, Katy Lovell, Ann Goldes-Sheahan,

Others Present: Niki Zupanic, McKayla Henson, Ellie Webster, Patty Fain, Angie Wagenhals, Kim Dudik, Alex Kramer, Kelsi Steele, Sarah McClain, Emma Schmelzer

Call to Order & Approval of Minutes

Justice Baker called the meeting to order at 10:05 a.m. Since a quorum was present, the Commission approved the December and March meeting minutes.

ARPA Simplified Family Law Resolution Project

Angie Wagenhals reported that there had been much interest in the project from mediators and courts around the state. Angie and Emma are recruiting and contacting mediators throughout the state who are willing to participate. She reminded the commission that one goal of this program would be to establish a pre-filing mediation program for family law cases dealing with parenting plans for pro se litigants that could solve their issue before it goes to court. They are working with pilot districts to determine what those programs will look like in each county. Additionally, they are working with the Montana Mediation Association to develop a training curriculum for mediators participating in the program. Angie recognized Patty Fain for helping with the project's development and referenced her work on ERAMP in Kalispell.

Emma reported that there are 17 applications for the program so far, and more are coming. She has done 12 interviews already. They are planning to utilize rolling recruitments. She noted that the mediators have very diverse backgrounds, and there is a lot of support and excitement within the mediation community for this project. Angie and Emma are currently developing forms for the mediators and courts. Angie mentioned they are processing a few filed cases from pilot districts to help courts clear some of their dockets. Angie reminded the commission that the pilot districts are Great Falls, Bozeman, Billings, and Lincoln County. Justice Baker asked Angie how

they would find the cases not yet filed. Angie replied that they are working with courts and Beth McLaughlin to identify filed cases. As for unfiled cases, Angie and Emma are developing materials and a plan to work with the self-help centers and other access points for clients. These materials will allow clients to self-identify and enroll in the program themselves. Angie mentioned they are open to any ideas on reaching pre-filers. Justice Baker asked if there were questions. Leslie Halligan stated that she often refers families to CDRC in Missoula and asked if it would be possible to refer clients to the program instead. Angie noted that she is unsure of the program's capacity to deal with cases outside the pilot districts.

Justice Baker paused the update to welcome Ed Bartlett and Kelsi Steele to the meeting. She also noted that Kelsi's presentation was not included in the March minutes and wanted to ensure Kelsi had sent the presentation to McKayla. McKayla stated that Kelsi had sent the minutes, which would be in the June materials packet. Justice Baker requested that McKayla send her the presentation separately so she could provide it to an interested ABA group. Kelsi mentioned that she had updated data from the class of 2022 that she could add to the presentation. Ed Bartlett joined the meeting.

IDRT Program

Emma reported that three IDRTs have happened in Montana. Judges have responded positively, and other districts have expressed interest in expanding. Justice Baker inquired as to the location of the trials that had taken place. Emma replied that they were in Hamilton, Helena, and the 12th district. The 12th district encompasses Chouteau, Hill, and Liberty counties. Emma has survey responses from 4 participants and noted that the reactions were all neutral or positive. The answer she was most excited about was that all participants reported that they strongly agreed with the statement, "I understand what took place and what I needed to do next." She noted that it was a small sample size but still very encouraging. Emma stated that she had observed a trial and noticed that it seemed the people participating felt in control and recognized throughout the trial. Justice Baker noted that if people can leave a court proceeding feeling heard, they are less likely to return in the future. Emma mentioned that there had been an information session with MLSA helpline staff and attorneys, which was very successful. Justice Baker noted that Senator Gauthier had joined the meeting.

MLSA Update

Alison Paul began her update with information on the racial justice working group MLSA is developing. She introduced Kathryn Seaton as a tribal law practice group supervising attorney and person responsible for finding a facilitator for the working group. The next step is to have a facilitated conversation with stakeholders on issues they face when interacting with the civil court system. Kathryn explained her process of choosing the consultant, Indigenous Collaboration, for the meeting. She referenced the draft agenda and cost proposal included in the meeting information packet. Justice Baker pointed out that the 4-hour facilitated session would cost \$5,000, which MLSA would fund, and asked Kathryn and Alison what they hoped would be the outcome of this meeting. Alison stated that she is hoping for recommendations and examples from people of various races that can inform future MLSA recommendations. Kathryn noted that the consultants would prepare a report from the meeting and work with stakeholders to identify concrete next steps.

Justice Baker mentioned that Kim Dudik, who has been instrumental in developing this program, could provide a list of stakeholders for MLSA to consider. Kim stated that she fully supported this project and noted the need for a formal approach to the issue. Alison said that she and Kathryn would compile a list and send it to Justice Baker and Kim for review before inviting stakeholders. Justice Baker agreed and suggested sending the list to additional commission members for input.

Justice Baker asked for a motion to approve going forward with the racial justice working group. Ed Bartlett moved to approve, and Dan McLean seconded. The motion was approved unanimously.

Alison reported that the Legal Justice Corporation asked her to chair a subcommittee of the Legal Rural Justice Task Force. She added that LJC had recently released its justice gap report. Alison reported that the state of New York invited her to speak at the state's Rural Justice Conference for law students. She will be describing MLSA's work and the challenges they face.

The rental assistance program continues, and MLSA has been able to write checks to renters. She noted that it had been a rewarding process. Additionally, they have been able to vacate eviction hearings with the promise that the money would be available the next day. Alison added that the Pro Bono team added Rylee Stewart to complete their staff. Alison also noted that MLSA is hiring. MLSA received a grant to update the Montana Law Help website. Alison stated that there had been reports of providers charging for the forms created by the commission. It is challenging because MLSA cannot enforce the copyright notice on the documents. Justice Baker, Alison, and other commissioners then discussed possible solutions to the problem.

Court Self Help program update

Alex Kramer reported that the program had hired a new facilitator, Toni Castellanos, for the Great Falls office. She was previously an AmeriCorps member at the Great Falls Self-Help center. Additionally, Alex stated that all Self-Help Centers are now open. The Bozeman center is visited bi-weekly as no permanent employee is working there.

Alex reported that six of seven AmeriCorps positions are filled for Fall 2022. Alex mentioned that another AmeriCorps Member would join the summer program. MLSA is piloting a summer program to increase support in self-help centers during August. Alison added that there had been much more interest in the program than last year.

Karla M. Gray award nominations

Justice Baker explained that the Karla Gray award nomination process has changed. Because the State Bar Past Presidents Committee decides all other state bar awards, the new nomination process will involve the ATJC Commission choosing nominees and passing those nominations on to the State Bar Past President's Committee.

Justice Baker stated that Kathryn Seaton had nominated Judge Stacie Four-Star. Aimee motioned to move the nomination forward. The motion was seconded and approved.

Pro Bono working group update

Patty Fain reported the creation of the Pro Bono Action Committee to identify the sources of the shift in attitudes toward pro bono in recent years. This committee used a series of focus groups, facilitated by Niki Zupanic, to get the opinions and observations of attorneys about pro bono and

the rule of law in Montana. The focus groups were in Billings, Bozeman, Missoula, and a rural area meeting took place via Zoom. Niki is compiling a report of the results to submit to the working group.

Public Comment and Next Meeting Dates

Justice Baker asked for public comment. There was no public comment. She noted that the agenda lists the rest of the 2022 meeting dates. The meeting adjourned at 11:00 a.m.