

**Montana Supreme Court Access to Justice Commission**  
**June 7, 2019**  
**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), Katy Lovell, Kyle Nelson (phone), Melanie Reynolds, Melissa Schlichting (phone), and Hon. Stacie Smith (phone).

**Commissioners Absent:** Ed Bartlett, Georgette Boggio, Hon. David Carter, Rick Cook, Sen. Terry Gauthier, Aimee Grmoljez, Dean Paul Kirgis, Hon. John Kutzman, Dan McLean, and Alison Paul.

**Others Present:** Brooke Bray, Brian Coplin, Ann Goldes-Sheahan, Nolan Harris, Carin McClain, John Mudd, Emma O’Neil, Krista Partridge, Anisa Ricci, Derrek Shepherd, Kelsey Steele, Tara Veazey, and Niki Zupanic.

**Call to Order & Introductions**

Justice Baker called the meeting to order at 10:01 a.m. A quorum was not present and so the minutes from the previous meeting were not approved.

**Equal Justice Conference Highlights**

Anne Goldes-Sheahan reported on the 2019 Equal Justice Conference that she attended in May. The State Pro Bono Coordinators pre-conference meeting included presentations on Pro Bono Marketplaces, which are comparable to classified advertisements for pro bono services, and the Mobile Justice Bus used by Kentucky Legal Aid. She also noted that the National Coalition for Civil Right to Counsel gave a presentation on the growing number of states that require access to counsel for tenants in eviction cases, and for individuals facing termination of their parental rights in step-parent adoption proceedings.

Judge Halligan attended the Access to Justice Commission Chairs Meeting and other court-related sessions at the conference. Topics discussed included the involvement of legal aid organizations in expungements, re-entry courts and job training, non-attorney legal navigators, troubleshooting the pro bono attorney-client relationship, online dispute resolution, and clinics at law schools. Justice Baker commented that the Commission is looking into a number of these initiatives and any conference resources on these topics would be helpful.

**Elder Law Training: Legal Services Developer Program**

Katy Lovell reported on the Legal Services Developer Program (LSDP) in the State Office on Aging. The program provides elder law training and resources for seniors, family members, and social services staff. They also provide advocacy and advice for seniors on civil legal issues, and limited scope estate-planning document preparation services. Through a subgrant from the Montana Board of Crime Control, LSDP has also placed an Elder Law Attorney at Montana Legal Services to provide advice and direct representation for seniors with civil legal problems arising

from elder abuse and financial exploitation. Katy also reported that LSDP is building a tele-clinic program with video conference equipment at senior centers in frontier locations. The tele-clinics will start with estate planning services and will eventually expand to other civil legal matters. LSDP also provides training on elder abuse issue spotting and reporting for Area Agencies on Aging, the Long Term Care Ombudsman, financial institutions, and health care centers, and recently offered training in Hardin on Indian Wills for lay advocates on the Crow Reservation.

### **2019 Annual Pro Bono Report**

The Annual Pro Bono report is included at Tab 3 of the meeting materials, and Justice Baker highlighted a few statistics from the report. She reminded the group that pro bono service and pro bono reporting are both voluntary in Montana, and added that pro bono reporting has improved since the State Bar has combined it with the required IOLTA reporting. Justice Baker noted that 72% of attorneys reported pro bono hours in 2019, amounting to over 164,000 hours of service, and 74% of attorneys reported a positive pro bono experience.

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

Nolan Harris reported that the committee is working on videos to help people who use pro se forms, and noted that this will be particularly helpful for use in the high-traffic self-help law centers. The videos would also be posted on the MontanaLawHelp website. Nolan added that they are wrapping up edits on the family law pro se forms with Judge McElyea's assistance. The forms were presented at the judge's conference, and Nolan pointed out that this whole process has highlighted the need for judicial involvement and input from the very beginning of forms development.

### **Policy and Resources Committee**

Niki Zupanic gave an update from the Policy and Resources Committee. The committee met in May and the meeting notes are included at Tab 4 of the meeting materials. Niki highlighted the committee's debrief of the 2019 legislative session and the lessons learned for next session. The committee plans to have in-district meetings with legislators- and the public and will work on developing materials and a target list of legislators to visit in preparation for a civil legal aid funding request in 2021. The committee will meet next in July.

### **Communications and Outreach Committee**

Melanie Reynolds reported on the recent activities of the Communications and Outreach Committee. She noted that the primary objective of the committee is to coordinate with and support the Policy and Resources Committee in its effort to educate legislators and the public on the need for funding of civil legal aid. The committee is currently working on a library of educational materials to promote a better understanding of the relationship between civil and non-civil legal needs.

### **Strategic Planning Committee**

Project Consultant- Tara Veazey, and Strategic Planning Committee Chair, Niki Zupanic, presented an update on the Justice for All (JFA) project to support the Commission's strategic planning effort. Tara explained that because the JFA is building on an established foundation of strategic planning and legal needs studies, we were able to save project resources to begin implementation of the plan. Tab 5 of the meeting materials includes the final draft of the inventory

assessment of access to justice efforts in Montana, organized by the four core values adopted by the Commission and including 16 components of access. Surveys were conducted with two groups: Community Stakeholders and the Legal Community. The Community Stakeholder survey achieved a particularly high response rate, with 126 responses from a good cross-section of stakeholders. 83% of stakeholder respondents indicated that their clients have civil legal issues, and even though 77% have referred clients to MLSA, they reported difficulty in knowing if they have enough information to make legal referrals. The survey results were used to inform the final assessment of each of the 16 components. Key takeaways included identification of the following needs: more non-legal and user members on the Access to Justice Commission and its committees; systematic development of pro se and other resources to ensure sustainability; training and education for court staff; and simplification of court processes and rules.

Niki explained that based on the JFA findings, the Strategic Planning Committee has proposed a revision to the Strategic Plan to add an item to create a recruitment and retention plan to focus on involving more non-legal stakeholders and users of the civil justice system on the Commission and committees. Since a quorum of Commissioners was not present to approve the revision, Justice Baker said this action item would be added to the agenda for the next meeting.

Finally, implementation activities have been prioritized to use grant funding and Tara Veazey's time most effectively. The top implementation priority is research and recommendations on streamlining and simplifying court procedures, rules and processes in courts with the highest volumes of self-represented litigants. Tara will also lead the planning process for each committee to systematize their priorities. Justice Baker thanked Tara and the committee for their work on the assessment and the great progress that allowed the implementation tasks to begin. She asked the group if there were any comments or concerns on the implementation priorities, and none were raised.

### **2019 Biennial Report**

Justice Baker directed the group to Tab 6 of the meeting materials for the required Biennial Report of the Access to Justice Commission to the Montana Supreme Court. There were no comments or objections to the report from the Commission members in attendance. Since a quorum of Commissioners was not present to approve the report, Justice Baker said that an email vote would be taken following the meeting.

### **Karla M. Gray Equal Justice Award Nominations**

Justice Baker reminded the group that the nomination deadline for the Karla M. Gray Award is June 17, and that the Justice Initiatives Committee will screen nominations before sending them to the Commission for a final vote. Nominations are valid for three years and the 2019 awardee will need to be selected by the end of July.

### **Legal Services Corporation (LSC) Budget Update**

Justice Baker reported that she sent a letter to the LSC Board in support of continued funding for civil legal aid, and noted that the House budget currently includes an increase in funding for LSC.

**Public Comment and 2019 Meeting Dates**

Justice Baker asked for public comment. There was no public comment. Justice Baker reviewed upcoming meeting dates and noted that the next meeting date has been changed to September 20 due to a conflict with the State Bar Annual Meeting. The meeting was adjourned at 11:27 a.m.