

Montana Supreme Court Access to Justice Commission
September 17, 2021
Zoom Video Conference
10:00 AM – 12:00 PM
Meeting Minutes

Commissioners Present: Justice Beth Baker, Sen. Terry Gauthier, Hon. Leslie Halligan, Hon. John Kutzman, Rick Cook, Kyle Nelson, Alison Paul, Dan McLean, Dean Paul Kirgis, Ed Bartlett, Aimee Grmoljez, Mark Mattioli, Olivia Riutta, and Katy Lovell.

Commissioners Absent: Hon. Stacie Four Star, Rep. Katie Sullivan, Hon. David Carter, Georgette Boggio.

Others Present: Niki Zupanic, Lindsey Simon, Angie Wagenhals, Hon. John Parker, McKayla Henson, Hon. Kaylan Minor, Grace Loveless, Abigail St. Lawrence, Abby Hobbs, Alex Kramer, Ann Goldes-Sheahan, Sarah McClain, Melanie Reynolds, and Krista Partridge.

Call to Order & Introductions

Justice Baker called the meeting to order at 10:01 a.m. She thanked outgoing members Melanie Reynolds and Stuart Segrest for their service on the Commission. Justice Baker gave special recognition to Melanie Reynolds who served on the Commission from its inception and who provided a valuable perspective and great work as a member of the Outreach and Communications Committee. Melanie thanked Justice Baker and added that she learned a great deal from her service and commended the important work done by the Commission. Justice Baker welcomed new Commissioners, Olivia Riutta of the Montana Primary Care Association, and Mark Mattioli with the Attorney General’s Office. Justice Baker also congratulated Commissioner Dan McLean and his wife Marcy, who received the 2021 Spirit of Philanthropy Award from the Helena Area Community Foundation. Finally, Justice Baker introduced new staff and staff taking on new roles: Christine Mandiloff is the new State Law Librarian, replacing Sarah McClain who is now the Court Services Director; new Self Help Law Administrator, Alex Kramer; and McKayla Henson who is the new Program Assistant for the Montana Justice Foundation. Justice Baker asked for any additions or corrections to the March and June meeting minutes. Alison Paul moved to approve the minutes and Aimee Grmoljez seconded the motion. The March and June minutes were approved without objection.

Karla Gray Award

Justice Baker said that there were no nominations for the Karla Gray Award this year. Chief Justice Karla Gray championed the access to justice cause throughout her career, and the award is the only State Bar annual award specifically for judges. Justice Baker reported that she and State Bar President John Mudd discussed the need for improvements in the nomination process, and they agreed to propose that the Commission should receive the nominations for discussion at the June Commission meeting. The Commission would then present its recommendation for consideration and a final vote by the State Bar Past Presidents Committee, which also makes decisions on other State Bar award winners. She asked for comments from the group. Ed Bartlett, who is a member of the State Bar Past Presidents Committee, spoke in favor of this proposal and added that the new process would give the Commission more of a voice in the award process and a more meaningful

opportunity to consider nominations. There were no objections to the proposal and Justice Baker said she would work with Ann Goldes-Sheahan and others at the State Bar to implement the new procedure in 2022.

Justice Initiatives Committee

Committee Chair Lindsey Simon reported that the Justice Initiatives Committee (JIC) took a break over the last year due to the disruption of the pandemic, but they are looking forward to getting back on track. She said that between the missions of the Access to Justice Commission and Montana Legal Services, it has been difficult to figure out what role the JIC should play. She would like the committee to find a way to reduce the burden on MLSA. Justice Baker thanked Lindsey for her input and suggested that the committee might be able to participate in pro bono coordination. Angie Wagenhals said that MLSA appreciates the contributions of the JIC and agreed that it is tricky to coordinate the activities of the groups. Justice Baker added that the JIC has worked on public lawyer CLE seminars and she has discussed with Justice Shea the need to redouble those efforts to increase pro bono reporting. Justice Baker asked if perhaps one of the standing committees could be assigned to coordinate with the JIC. Niki Zupanic offered to review the strategic plan for items that have not been addressed that could be assigned to the JIC.

Policy and Resources Committee

Abigail St. Lawrence reported that the committee has made good progress on the civil legal aid bill since the end of the legislative session. The group is working on ways to address the catch points that came up during the session and has continued outreach to legislators and to representatives from the Governor's office, including Lt. Governor Juras. Abigail said that we know we can't address every single concern, and that the goal is to do enough to achieve the support of 51 Representatives, 26 Senators, and the Governor. The biggest challenge has been the lack of data showing the cost savings of civil legal aid in the court system. ARPA-funded pilot programs and the new Project Administrator position within the Court Administrator's Office should help us compile the data needed to demonstrate the effectiveness of civil legal aid funding. Abigail said that the committee will meet again after the Project Administrator position is filled to see how they can work together. She will also think about ways in which the committee can partner with the JIC to accomplish some of its tasks.

American Rescue Plan Update

Justice Baker reported that the Judicial Branch proposal for the Simplified Family Law Resolution Project was approved by the Budget Office and the funds have been released. The proposal and the job announcement for the Project Administrator are included in the meeting materials, and Justice Baker asked members to refer good applicants for the position. She added that the Project Administrator will work closely with Alex Kramer, Patty Fain, and Sarah McClain, and that MLSA will be a partner on the project.

Informal Domestic Relations Trials (IDRT) Pilot Program Update

Niki Zupanic reported that the Supreme Court approved the petition to establish the IDRT Pilot Program and \$150,000 was earmarked as part of the Simplified Family Law Resolution Project to support the pilot. She said that the next steps are to finalize the program materials and forms, including guidelines for judges and educational materials, and to establish procedures for collecting data on program outcomes. She added that Tara Veazey is still working on launching

the program and meeting with judges across the state. Havre, Helena, and Missoula have shown the most interest in participating, but more districts can be added to the program.

Outreach and Communications Committee

Katy Lovell reported that the committee is working on a communications plan with the assistance of Sam Scarrow from Voices for Civil Justice. She said they intend to integrate that plan into what Melanie Reynolds, Niki Zupanic, and other members of the committee had already put together. Melanie thanked Niki for connecting the committee to resources like Voices for Civil Justice and National Center for State Courts, and she encouraged the committee to continue working closely with the Policy and Resources Committee. Abby St. Lawrence thanked the committee and added that their support has been integral to the civil legal aid funding effort.

Montana Legal Services Association Update

Alison Paul announced that Angie Wagenhals has been promoted to Deputy Director at MLSA and asked her to provide an update on the Montana Eviction Intervention Project (MEIP), a partnership between MLSA and the Department of Commerce. Angie said that the MEIP has been a big focus for MLSA over the course of the last year. She reported that from October 2020 through August 1, 2021, 349 eviction cases have been handled through MEIP, with 80% of participating tenants unable to pay rent as a direct result of pandemic job loss. She added that representation for tenants in eviction proceedings makes a big difference because attorneys can negotiate move out terms and ensure that an eviction record does not prevent them from finding housing in the future. None of the MEIP tenants have become homeless or moved into a shelter after receiving assistance. She added that the program also benefits landlords by helping tenants access emergency rental assistance. Angie also reported that MLSA has hired a new Medical Legal Partnership Attorney based in Missoula, and a new class of Justice for Montanans AmeriCorps members was recently sworn in. Justice Baker added that there are still unfilled Justice for Montanans positions and urged the group to get the word out so that the Self-Help Law Centers can be fully staffed. Finally, Angie reported that ten new law students have joined the Housing Justice Project at the law school to provide supervised advice to tenants in housing cases. Angie offered to share a recent news story on the project.

Alison Paul reported that MLSA is working with the Department of Commerce and Court Administrator to set up an eviction diversion project based on successful models in other states. She anticipates that the program will include distribution of rental assistance funds by MLSA and a voluntary mediation program for landlords and tenants. She added that MLSA has encountered a number of cases where clerks of court have refused to accept fee waiver filings, required “background checks” for fee waivers, or mandated that fee waiver applications be served on opposing parties. She said that this has happened in both District Courts and courts of limited jurisdiction. Justice Baker asked Judge Minor and Rick Cook for input. Both said that this is likely a training issue. Rick Cook said that he will address this during training and Justice Baker asked Alison to give information about specific issues directly to Rick. Alison added that MLSA always tries to talk to the judges and clerks first, but we haven’t had much success in changing the practice.

Biennial Report

The draft Access to Justice Commission Biennial Report for 2021 was circulated in advance of the meeting. Niki explained that she tried to capture all the good work done by the Commission over

the last two years. Justice Baker asked if people needed more time to read the report, and stated that her preference was to vote on approval of the report today with the understanding that minor additions or corrections may follow. There were no comments on the report. Justice Baker asked for a motion to approve the report and to authorize the chair to submit the report to the Court. Dean Kirgis so moved and Dan McLean seconded the motion. There were no objections. Justice Baker thanked Niki for all her work in documenting the exciting progress that we've made.

Self-Represented Litigants Committee

Ann Goldes-Sheahan reported that the forms sub-committee has been hard at work continuously updating and improving pro se forms. Justice Baker referred members to the Biennial Report section on forms for a good update. She also thanked Dan McLean for his work on the probate and wills forms. Alex Kramer added that the most recent form to be updated was the Economic Restraining Order and Summons Form to comply with a new law. Justice Baker said that more forms will be updated using ARPA funds.

Public Comment and Next Meeting Dates

Justice Baker asked for public comment. There was no public comment. The next meeting will be December 3, 2021, and the 2022 meeting dates have been set and are on the agenda. The meeting was adjourned at 11:28 a.m.