

Access to Justice Commission Standing Committee on Policy and Resources

July 31, 2014, 1:30 P.M.

Via Teleconference

In Attendance: Jon Bennion, Justice Beth Baker, Andy Huff, Janice Doggett, Abby St. Lawrence, Michelle Potts, and Amy Sings In The Timber. Also in attendance: Kate Kuykendall.

Call to Order: 3:34 PM

Approve minutes from 5/29/12

Amy asked if there were any amendments to the May 29th minutes.

- Beth presented several amendments.
- Michelle was present, but isn't listed.

Jon Bennion moved to approve the minutes with the proposed changes. Beth seconded the motion. The motion passed unanimously.

Cy Pres Amendment

Amy gave a brief update on the progress of the committee's proposed rule amendment. The rule is open for public comment, which will end on August 30.

State Funding Request

Amy shared that she has spoken with several people in states that have achieved state funding. Aimee Grmolez has also spoken with a key attorney in Wyoming, but Amy has not been able to talk with Aimee to learn what Aimee found out.

Beth shared that she has spoken briefly with Aimee, but doesn't have any details regarding what Aimee learned other than that the conversation was helpful, in particular with regard to how the request was made and how the field was prepared.

Amy suggested tabling this discussion until the next meeting when we can hear from Aimee. Andy asked whether we're gearing up for a request this session, and suggested that we try even knowing that it won't likely pan out this time around. Now's the time to put in a request; the earlier the better.

Beth mentioned that she knows of a legislator who is able to put in a bill draft request at any time, and is happy to put something in as a placeholder.

Amy asked Beth to follow up with Aimee and ask her to forward her information to Amy so we can move forward. Beth agreed to follow up or send Amy Aimee's cell number.

Amy stated her goal is to get a conversation started on the committee level, and suggested she will have more to say on the timing of this project as the conversation develops.

Bar Dues Checkoff

Amy gave a brief introduction to this item. She provided an overview of the options currently being used in other states. There are three types: a negative check-off (\$x will be designated unless you check here), a voluntary add-on (a line saying fill in the blank for the amount you would like to designate to legal services), and a mandatory add-on (bar association or court can increase dues amount or use revenues already being generated to support legal services).

Pros include the notion that it produces funds with very little work. It also demonstrates the bar association's commitment to funding for legal services, and indicates the bar feels a professional responsibility for legal services. Also good in rural areas where there's not enough money to support a campaign.

Cons are that it's passive. Participation may be low if it's voluntary. This makes it potentially unpredictable.

This kind of effort tends to raise more dollars than we would be missing in other ways. The important part, and things we need to consider, are education of the bar association and maybe by the bar association about this type of program. Just like the listening sessions in Wyoming were critical to the state funding effort, so too is that education of bar members about this coming up and why it's so important, and why we are pushing to institute this at all.

Amy asked if there is anyone who has initial questions about her idea.

Beth asked for clarification. If people decide to contribute it would be funds above regular bar dues or fees and that money would be directed to the MJF for grants or programs?

Amy said that's something that could be talked about. It could go to the MJF. There have been instances where it goes directly to a legal services provider, and there have been states where it goes to the commission, who then usually gives it to the foundation. We would need to decide what we need to approach the bar with regarding the type of dues check-off (negative, voluntary add-on, or mandatory add-on (not likely)). There are pros and cons to each. Either way, we should talk about amounts. Negative, it's an amount to cross off if you don't want it; voluntary add-on we should make a suggestion. We should consider what is appropriate in this state. Not so high that it's upsetting, but not so low that it's not useful. Most states use a voluntary add-on. Negative check-off generates more funds, but may not be well-received.

Janice said that the more specific we are about where the money goes, the more people will contribute. She suggested inquiring members of the executive committee about how to present this issue for best

success so we get some buy-in. Consider who to ask...people who are likely supporters, have weight with the rest of the trustees, and who will be around for a while.

Amy asked if there are people who have questions or concerns.

Andy said he thinks it's a good idea, and is amazed it hasn't happened before now.

Beth said it's a big deal, but it doesn't mean we shouldn't do it. She likes the suggestions Janice made (getting buy-in from people on executive committee and board of trustees). She thinks a voluntary add-in is the best option to pursue.

Janice noted that we do have new bar members, and that the average age of bar members has dropped from about 60 to about 45 over the years. There are some really good young bar board members.

Beth said it's important to figure out exactly how it will work before we start talking about it. Is it going to cost the bar to administer, how it will be accounted for, who gets the money, who's responsible.

Amy asked how much people think we should outline it before we start approaching people for feedback. We want them to contribute to the final product.

Janice recommended going first to Betsy Brandborg, who will have suggestions. Be specific about whether we want to do a voluntary add-in. Or, present two options. Get help from people who will be making the decision.

Beth said we don't want rumors getting started, but we do want them to know we want to iron out the details before we bring a formal proposal. Go to the bar, say we're considering it, and want their suggestions before we give a formal proposal.

Amy volunteered to put together examples from other states with state bars similarly situated, highlighting the mechanics of how it happens there, and get the bar folks to weigh in on that too. She asked if others think that's a good idea.

Janice said it's a good idea to present what we've seen happen in other states, and ask for thoughts on what might happen here before we go forward.

Amy said she'd like to learn what people think will never happen here, too. What's off the table before it's even on the table.

Amy asked if there is a consensus on the Committee that this is a good idea and that we will go forward as suggested.

Beth said it's good to approach and explore, and see how bad the push-back will be before taking another step. There were no objections.

Amy will synthesize her research on other states. She will reach out to Janice to help flesh it out, and then make contact with Betsy.

Economic Impact Study

Michelle introduced her summary of MLSA's economic impact study from data collected in 2013. MSU Billings economist is working with MLSA to figure out the direct and indirect economic impacts of MLSA's civil legal services. MJF granted funding to pay for the report. MLSA has moved forward with the study so that it will be finished in a timely manner, but would like to see a formal head-nod from the Commission so that the study will be more useful and weighty. She asked the committee to recommend to the Commission that the Commission sponsor the study.

Beth asked when the study will be completed. Michelle said the data gathering is done, and that she hopes the calculations and narrative will be done by the end of August, and then it will go to a graphics firm. It would be ready to go by the end of September.

Beth noted that the next Commission meeting won't be before the end of September. Michelle said she thinks it's worth waiting if it's likely the meeting will be in October. The report will be much more useful with the Commission's sponsorship.

Amy moved that this Committee recommend to the Commission its sponsorship of the study and the final report. Janice seconded the motion.

Beth noted she has concern about the word sponsorship. She asked if there is a word we could use instead, since she doesn't want to imply the Commission funded it. Endorsed doesn't work because we don't necessarily agree with the findings. Requested doesn't work because we didn't ask for it.

Michelle gave an example of another study with similar circumstances. We can easily say clearly that it's sponsored by the Commission, funded by the MJF, and that the data was done by Dr. Rickard.

Beth said she doesn't have a problem with recommending to the commission that we add our name to the study as a supporting entity, as long as it's clear how it was all done.

Amy pointed out that many states have gone before us in producing economic impact studies and that the demonstrated benefits of doing so are well documented. It fits within the charge of the commission, so although we might not agree with all of the findings of the report, we can agree that having the information will be beneficial.

Michelle noted that the Communications and Outreach Committee is thinking about using this study.

Amy noted that the Equal Justice Task Force had discussed it before the Commission was even begun. Over the last 5 or 6 years, there have been a number of these studies done in other states. There's very good solid background for this study.

Amy called the motion to question. The motion carried unanimously.

Next Meeting

The next meeting will be Thursday, August 28, at 3:30.

The meeting adjourned at 4:17 pm.