

Standing Committee on Self-Represented Litigants
Visioning Meeting - MINUTES
Montana State Bar Association
7 West 6th Avenue, Suite 2B
Helena, MT

Thursday, August 15, 2013
10:00 to 3:00

Welcome, Opening and Introductions

All present introduced themselves.

Members Present: Judge Snowberger, Judge Ortley, Ed Higgins, Patty Fain, Randy Snyder, Erin Farris, Kim Dumond, Robin Meguire.

Members Not Present: Phyllis Smith, August Swanson, and Janice Doggett.

Members of the Public Present: Chris Manos, Sarah Garcia, and Kate Kuykendall.

Ice Breaker Activity

Each person present made a brief statement describing the thing he or she was most proud of in the last year, and explaining why he or she was present at the meeting.

Review of Agenda and Today's Ground Rules

Judge Snowberger described the purpose of the meeting, which is to focus the Committee on its work and where it wants to aim its efforts. Judge Snowberger reminded those participating to be kind and to not interrupt, and also encouraged participation by noting there would be no "bad" ideas offered.

Historical Overview (What's been accomplished so far)

Judge Snowberger briefly described the history of the Committee, beginning with its work as the former Commission on Self-Represented Litigants (SRLs). She noted that the group's new position as a standing committee of the Access to Justice Commission presents an opportunity to refine the committee's goals and work, and clarify its vision.

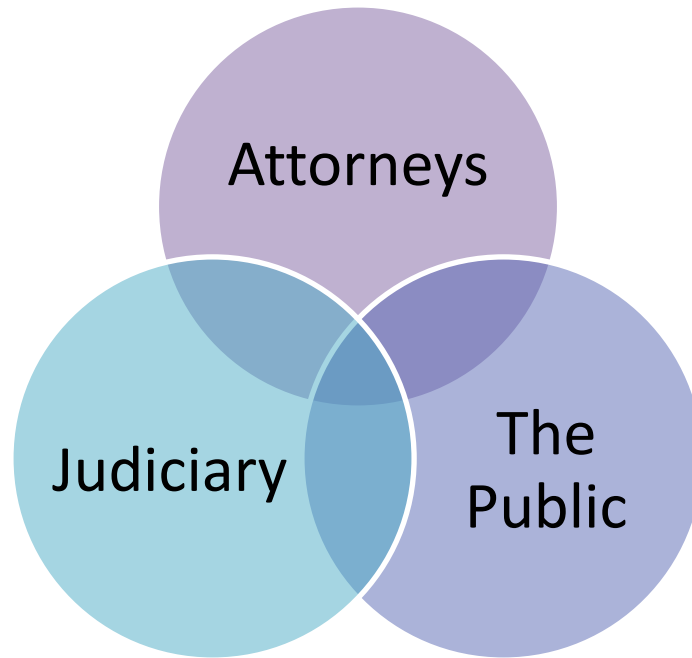
Visioning Exercise

Judge Snowberger opened the floor for a discussion of ideas relevant to the following question: What would our judicial system look like in a perfect world?

The Committee members and others present discussed their views of what the judicial system might look like in a perfect world.

The Committee discussed the question of who is the proper “beneficiary” of the justice system. Who is the Committee working to improve the system for? Three general categories of beneficiaries were identified: attorneys, the public, and the Judiciary.

The Committee came up with a simple Venn diagram to illustrate the relationship between the three groups. All three groups have competing interests; SRLs represent the confluence of all three circles.



The Committee discussed the various interests held by attorneys, the Judiciary, and the public.

The Committee discussed the bottleneck often created by procedural requirements, which are often implemented for good reason. One bottleneck is the on-going struggle of providing information, but not giving legal advice. Clerks of Court struggle with this, and SRLs struggle with this, when really all it takes is someone to answer a basic question for the bottleneck to be removed.

Attorneys and judges want the system to work efficiently and fairly. Members of the public want to get a particular (or fair) result. This represents a different perspective on the goal.

The Committee discussed the different purposes its efforts might serve to the different stakeholders in any given legal action. This discussion used SRL forms as an example. Consumers look at the forms differently from judges. Judges want the appropriate information to be present in every place it is called for, including often in duplicate or triplicate. The public doesn't understand the need for repetition, and no-one is in a

position to explain why judges need exactly the information they ask for in exactly the form they want it. This goes to expectation, highlighting a need to improve understanding of the system, its rules, and the reasons they exist, as well as to create more realistic expectations of the court process.

The Committee agreed that even with competing interests, all parties to the legal system want a system that produces fair and efficient results.

Courts are legal professionals' jobs; they're clients' lives. SRLs see forms for the function they serve (what the form does for them). The Courts see forms as a way to meet procedural requirements.

Good results require good education. Everyone needs to be given the same information (judges, attorneys, and the public). The Committee discussed the need to improve fairness and transparency about how the court really works. This includes practicability, and a realistic expectation of how to practice law.

Attorneys have rules of conduct governing their practice in the courts. There are no rules of conduct for the public. SRLs don't have a Rule 11 to keep them on track.

Break for Lunch: 12:00 – 1:05

Judge Snowberger asked for suggestions regarding what the Committee's vision should be. The Committee engaged in a brainstorming exercise to clarify and define the Committee's vision. Those present identified a variety of different vision statements and tasks the Committee could focus on.

The Committee agreed that the following statement most closely represented its vision for the Committee's work: **"It is the vision of the Self-Represented Litigant Standing Committee to achieve the fair and efficient resolution of unmet legal needs."**

The Committee members moved on to a discussion of how the vision would be achieved. They identified four general categories of action: Collaboration/Communication, Education/Training/Communication, Developing Self-Help Resources/Tools, and Legislation & Rule Changes.

The Committee identified several specific actions or tasks to pursue under each of the four general categories.

Closing Remarks

The Committee discussed its immediate next steps. The next meeting will include continued discussion of the Committee's vision and path forward.

Patty gave a brief overview of the data she distributed to the Committee members. This data can be compiled in a variety of different ways. The Committee will need to decide both how it wishes to receive the data, and how it wishes to distribute the data for others to view and use.

There are still some on-going data-gathering efforts, including soliciting input from litigants while they're in the system and after resolution of their cases.

Judge Snowberger noted that the Committee will need to spend some time discussing the data we've gathered, and how the Committee and Commission might be able to use it.

The next meeting was tentatively set for October 30, in Helena, but to be available by phone and/or VisionNet.

Robin informed the Committee that she will be leaving the Commission in September, when she steps into the position of President of the Montana Justice Foundation.

The agenda for the next meeting will include more work on refining the Committee's strategy and operating plans based on the outcomes of the visioning exercise.

The meeting adjourned at 3:05 PM.