

Standing Committee on Self-Represented Litigants
Minutes of the February 13, 2014 Meeting
2:00 p.m. to 4:00 p.m.

It is the vision of the Standing Committee on Self-Represented Litigants to achieve the fair and efficient resolution of unmet legal needs.

In Attendance: Hon. Michele Snowberger (Chair), Erin Farris, Patty Fain, August Swanson, Randy Snyder, Abby Brown, Ed Higgins, Lisa Mecklenberg-Jackson, Chris Manos, Janice Doggett, and Kate Kuykendall.

All present took roll. Snowberger opened the floor for public comment on non-agenda items; there were no members of the public present and no public comments.

Approve Minutes. Snyder moved to approve the minutes from 12/16/13. Abby seconded the motion. The motion carried unanimously.

Form sub-committee. The sub-committee is still working on the dissolution-with-kids packet. The committee is on a two-week schedule, and hopes to have a final packet soon.

Snowberger noted that the rules of procedure have changed regarding time to answer service. That change wasn't correlated with the dissolution items, but the legislature fixed it on the last time. Snowberger asked for a motion to amend the summons form from 20 days to 21 days.

Farris moved to amend the summons form from 20 days to 21 days. Swanson seconded. The motion carried unanimously.

Chris Manos joined the meeting at 2:09 p.m.

Strategic Planning. Snowberger introduced and reviewed the materials she sent out to the Committee. She asked the Committee whether it preferred to present its strategic planning efforts to the ATJC including the Committee's goals and strategies, or if it would prefer to limit discussion to only those items assigned by the ATJC. The Committee agreed to discuss both the Committee's goals and strategies, and those assigned by the ATJC.

The Committee discussed each goal and each strategy. For each, the Committee evaluated whether that goal or strategy is appropriate for this Committee or not, whether it would be better addressed by some other entity, and assigned a priority level to each strategy it adopted.

The Committee adopted the following goals, strategies, and priorities:

1.0 EMPHASIS AREA: SELF-HELP RESOURCES AND TOOLS

- 1.1 All court users will have the necessary tools to navigate the court system**

Priority: High

Timeline: Ongoing

1.1.A Inventory current self-help resources and tools

Priority: High

Timeline: Ongoing

Comment: The SCSRL will begin by gathering a list of materials available on Montana Court website and lawhelp.org website.

1.1.B Identify areas where SRLs currently lack information to successfully navigate the system.

Priority: High

Timeline: Ongoing

Comment: The SCSRL will begin by starting with information gathered by the court-help program and our data gathering project.

1.2 Support the court-help program

Priority: High

Timeline: Ongoing

Comment: The Committee recommends this strategy be adopted by the entire A2JC, including the Standing Committee on Communication and Outreach and the Standing Committee on Policy and Resources

1.2.A Observe its operation and, if necessary, recommend changes for its improvement or expansion

Priority: High

Timeline: Ongoing

1.2.B Advocate for permanent funding for the Court-Help program by the legislature

Priority: High

Timeline: 2015

Comment: This priority should be shared by the A2JC as a whole. This priority will require preparation for 2015 legislative session. If the legislature grants permanent funding then this priority would be completed in 2015. If not, this priority will continue.

1.3 Develop court forms and informational materials for SRL use

Priority: High

Timeline: Ongoing

Comment: The Form Sub-Committee puts in between 60 - 90 hours per month on form development.

1.3.A Develop a mechanism for ongoing development, review, and updating forms for SRLs use

Priority: High

Timeline: Ongoing

1.3.B Consider means to foster greater acceptance of forms by the legal community and the public

Priority: High

Timeline: Ongoing

1.3.C Develop webinars or other online informational materials on how to use forms

Priority: High

Timeline: Ongoing

Comment: Informational materials are currently in development. Webinars will be developed as time and funding permits.

1.4 Evaluate the value and feasibility of existing or future means of supporting SRLs.

Priority: Medium

Timeline: Ongoing

1.4.A Improve SRL access to all sponsored programs, including self-help services and pro bono programs

Priority: High

Timeline: Ongoing

1.4.B Toll-free hotline

Priority: Low

Timeline: Ongoing

1.4.C Web-based assistance, including webinars, video conferencing, automated forms, videos, and live chat

Priority: Medium

Timeline: Ongoing

Comment: Automated forms are a high priority, limited only by funding. Other web-based assistance will be added as we receive the necessary resources.

1.4.D Brochures and other publications

Priority: Medium

Timeline: Ongoing

1.4.E Other appropriate means identified by the Committee

Priority: Low

Timeline: Backdrop

Comment: This priority acts as a backdrop to the Committee's work. The Committee will take up individual goals as we identify items.

2.0 EMPHASIS AREA: EDUCATION AND TRAINING

2.1 All clerks of court and other judicial staff will understand how to assist SRLs without giving legal advice

2.1.A Develop training materials on the difference between legal information and legal advice

Priority: High

Timeline: December 2014

Comment: The Committee will review and revise current training materials. As appropriate, the Committee will develop new materials.

2.1.B Complete trainings on legal information vs advice, including live and online trainings

Priority: High

Timeline: Begin in 2015, ongoing

2.1.C ATJC endorsement on the training materials

Priority: High

Timeline: December 2014 or early 2015

2.2 The public, public service providers, attorneys, judges, and clerks will understand the SRL experience and the best practices for helping SRLs navigate the judicial system

2.2.A Create a consistent message for and about SRLs and how to improve our judicial system to help SRLs

Priority: Medium

Timeline: Ongoing

2.2.B Create a tool kit for giving information on SRLs

Priority: Medium

Timeline: 2015

2.2.C Create practice tips for attorneys who work with SRLs

Priority: Medium

Timeline: 2015

Comment: These practice tips should address both attorneys who are helping the SRL (at a clinic or through LSR) or who are representing the opposing party.

2.2.D Establish communication method for regular updates to attorneys, judges, public on our work.

Priority: Medium

Timeline: 2015

2.2.E Update SRL judicial bench book

Priority: Medium

Timeline: 2015

2.2.F Encourage use of the SRL judicial bench book

Priority: Medium

Timeline: 2015

2.2.G Create checklists or one page guides for working with SRLs

Priority: Medium

Timeline: 2015

2.2.H Create training opportunities to show judiciary how to access local, state, and national resources

Priority: Medium

Timeline: 2015

2.3 Create opportunities for the public to learn about the law and our judicial system

2.3.A Develop Law in the Library Trainings

Priority: Medium

Timeline: 2015

Comment: The Committee expects to run these types of events around Law Day activities.

2.3.B Conduct trainings for librarians and public service providers

Priority: Medium

Timeline: 2015

3.0 EMPHASIS AREA: COLLABORATION AND COMMUNICATION

3.1 Individuals will have the ability to contact the SCSRL

3.1.A Develop portal for public contact

Priority: Low

Timeline: 2015

Comment: It is important that there is a method for individuals to contact the SCSRL about its work. For example, input on forms currently in use.

3.2 Promote collaboration across agencies, governments, and organizations

3.2.A Identify current and potential partners

Priority: Medium Timeline: 2015 and ongoing

3.2.B Actively partner with other agencies, governments, and organizations, including tribes, public service organizations, and local organizations

Priority: Low-High Timeline: Ongoing

Comment: The Committee identifies this goal as a high priority for current projects and as a low priority for new projects.

3.3 Create a State of Montana SRL report

Priority: Low Timeline: 2016

3.3.A Identify the purpose of the SRL report

3.3.B Identify areas to be covered in the report

3.3.C Analyze data gathered from judges and clerks

3.3.D Complete and analyze data gathering from lawyers and SRLs

3.3.E Analyze the causes of the significant increases in the SRLS numbers

3.3.F Write report, including executive summary and recommendations

4.0 EMPHASIS AREA: LEGISLATIVE AND RULE CHANGES

Priority: Medium Timeline: Ongoing

Comment: The Committee will advocate for changes as we identify them.

4.1 Identify and advocate appropriate changes to judicial cannons

4.2 Identify and advocate appropriate changes to Rules of Professional Responsibility

4.3 Identify and advocate for legislative changes to specific areas of the law

4.4 Identify and advocate for possible changes to court rules

4.5 Identify areas for improvement for uniformity across judicial districts

Snowberger asked the Committee to consider whether there are any other items that should be brought as part of the Committee's report to the ATJC regarding strategies for the Committee, another Committee, or the ATJC as a whole. No other items were suggested.

New Business. Snowberger informed the Committee of some changes in the Committee's membership as a result of the ATJC restructuring its committees. The Committee can expect addition of a tribal member, a clerk of district court, and a member of the Justice Initiatives Committee. Justice Baker has requested that Patty Fain move off of this Committee so that she can focus on working with the ATJC's Law School Partnerships Committee. Patty will continue the data-gathering and form revision project that is already underway for this Committee, and will remain engaged until the Law School Partnerships Committee begins work.

Next Meeting. Snowberger suggested the Committee meet again soon after the ATJC meets to finalize its committee structure. The Committee agreed to tentatively schedule its next meeting for March 19th from 2:00 – 4:00 p.m. Snowberger will send out a notice.

The Committee briefly discussed the training schedule for clerks of courts of limited jurisdiction, clerks of district court, and district court judges. Members of the Committee are on the agenda for the clerks of court of limited jurisdiction conference in April, and for the district court judges conference in May. Snowberger will try to get on the agenda for the next available meeting of the clerks of district court to talk about the dissolution forms.

Adjourned at 3:45 p.m.