

Standing Committee on Self-Represented Litigant Committee
Montana State Bar Association (Helena, MT)
Friday, October 30, 2015 from 11am to 4pm
Meeting Minutes

Present in Person: Michele Snowberger, Kay Pace, Lisa Mecklenberg-Jackson; Abby Brown, Erin Farris, Betsy Brandborg; Kayre Chantellier

Present by Phone: August Swanson, Randy Snyder, Ann Goldes

****Action Items in Bold and bookended asterisks****

1. Welcome, Opening and Introductions

Michele Stepping Down. After welcoming everyone to the meeting and introductions, Michele informed the group that she would be stepping down as Chair of the Committee due to her work commitments. Michele has informed Justice Baker and they are currently searching for a new Chair or co-Chairs. Michele will continue to serve on the Forms Subcommittee, but will not be an official member of the Committee.

2. Historical Overview (What's been accomplished so far)

Accomplishments. Michele listed the Committee's accomplishments thus far: (a) created a comprehensive strategic plan that is now 1.5 years old; (b) completed survey and analysis of judges and clerks; (c) created dissolution form packet; (d) supported permanent funding for the Court Help program; (e) continued to increase our outreach by providing good resources and education to many members of the State Bar, with particularly increased awareness that helping SRLs helps everyone, including attorneys.

Generally. The entire group discussed the following general questions re: moving forward: how does the Committee move forward with the strategic plan? Is the working group model working? How can we clarify our goals, some of them are broad? What do we do with the fluidity / turnover of the committee membership? Do we have a matrix of who has what expertise? Can we streamline how we implement the strategic plan? Can we bring in folks that are not on the committee who have a particular expertise? What about more definitive timelines? What can we practically accomplish?

The overall theme was that each committee member volunteers their time and has to find a way to fit within their professional and personal responsibilities; we need to regroup as a committee to recognize this reality and focus on how we can practically accomplish our goals.

Forms Sub-Committee. Frustration was expressed by numerous members of the Committee that there is a lack of communication regarding when and how new Forms are distributed. Some new forms are being put on the State Law Library website that have not been reviewed or approved by the Forms Sub-Committee. Some of these forms are inconsistent with the dissolution forms.

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Michele and Erin stated that any SRL forms are supposed to be approved by this Committee and the A2J Commission before they are released on the State Law Library website. Lisa stated that she was instructed by the Supreme Court to place the forms on the website because it was taking too long for the forms to be reviewed by the Committee. Michele expressed that the Committee was never asked to review new forms; would have made it a priority to review if had known about it. Erin inquired about the policy decision – shouldn't this Committee decide *if* the Form should even be released? Just because there is a change in the law (*e.g.* legislative changes) and a SRL form can be created, does that mean it should be created?

Specifically, there are forms being put out for SRLs drafted by the AG's Office and in the 4th Judicial District that never went through this Committee; these "wild forms" undermine the role of the Committee and A2J Commission regarding statewide consistency with SRLs.

All in all, there is a general lack of communication between this Committee, OCA, and AG's office. ****Michele will discuss with Justice Baker about the communication breakdown and figure out what the Supreme Court and A2J Commission believes the role of this Committee and particularly the Forms Sub-Committee should be****

There was also some discussion about whether the Forms Sub-Committee needed assistance and/or additional members. ****The Forms Sub-Committee members (Michele, Erin, Ed) will reach out to the other Committee members if they need particular assistance or future assistance or decide to restructure the way the Sub-Committee works, after the dissolution forms are finalized****

3. Strategic Plan Review

The group went through the Strategic Plan and identified (1) completed items; (2) near completed items; (3) action items for 2016 (a.k.a. "2016 Work Plan"; and (4) items that can be put on hold and reviewed at the end of 2016.

The following was the groups' review of the strategic plan. See Attached Exhibit A (February 2014 Strategic Plan):

- 1.1 *Done, just needs to be added to the website.* Current Self-help resources and tools have been compiled and are available on Central Desktop. Need to be added to website. The Report on the SCSRL identifies areas where SRLs currently lack information.
- 1.2 *Done and ongoing.* The Court Help Program has permanent funding now. The Committee will continue to provide ongoing observation and support for the Court Help Program. **See **2016 Work Plan Item #1****
- 1.3 *Ongoing, Forms Sub-Committee.* ****2016 Work Plan Item #2****
- 1.4 Re-evaluate at end of 2016.

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- 2.1 *Near completion.* The training materials exist and have been vetted with other jurisdictions; these materials are the same or better. While Committee members will continue to seek funding to develop an interactive online training, the Committee will also proceed to meet its goals in 2016. Lisa is building a Clerks' page on the State Law Library website, has the software to create an interactive, online training and this may be another outlet for getting the materials out. **See **2016 Work Plan Item #3**** ****Abby will also try to identify some potential grant sources/funders from her recent grant-research before the first quarterly meeting of the Committee in 2016****
- 2.2 Subparts a, b, e, f, and h will be tabled and re-evaluated in 2016. Subparts c, d, and g are part of 2016 plan as much of the substantive material exists. **See **2016 Work Plan Item #4****
- 2.3 *Ongoing as Lisa continues to develop the State Law Library materials and outreach to public library.* **** 2016 Work Plan Item # 5****
- 3.1 While a portal for public contact has not yet been developed, the Committee has an email address through which the public can contact the committee. ****Kay will determine and/or assign someone to monitor this email and send inquiries to the appropriate person(s)****. *See also **2016 Work Plan Item #4***
- 3.2. Re-evaluate in 2016.
- 3.3. Re-evaluate in 2016, with the exception of 3.3.E (Analyze the causes of the significant increase in SRL numbers) which has been stricken from the strategic plan as not feasible given our current resources
- 4.0. While the general subcategories of this emphasis area are ongoing, devising a plan, criteria, and general framework for how the Committee will track and weigh in on legislative bills is a major part of the 2016 Work Plan to prepare for the 2017 legislative session. **See **2016 Work Plan Item #6****

This action item is a result of the Committee members feeling like they did not get involved in 2015 proposed legislation that impacted SRLs.

4. **Moving Forward**

To keep our action items realistic, the Committee will choose one or two emphasis areas and/or goals each year on which to focus. At the end of each calendar year, starting in 2015, a "Work Plan" will be created for the upcoming calendar year or the next two calendar years. The Committee will also annually evaluate how it is

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progressing in general. Recognizing the practical limitations of the Committee (volunteer base, no funding, fluid membership), the Committee will be mindful of setting realistic goals each year. Committee members are expected to actively participate; this is a working Committee.

2016 Work Plan:

1. Continue to Support the Court Help Program by receiving quarterly updates from the Court Help Program (or ask for it, if not received) and include a discussion of the program at each Committee meeting. *Strategic Plan Goal 1.2*
2. The Forms Sub-Committee will, per *Strategic Plan Goal 1.3*:
 - (1) transfer the current, completed forms to MLSA;
 - (2) finish dissolution with children forms by the end of 2015;
 - (3) Erin will take over as Chair in 2016 and disseminate to Committee the new model for forms review and/or creation, which will be a delegation model and may include input from non-Committee members as necessary; and
 - (4) Lisa will send any new or proposed forms to the Forms Sub-Committee prior to those forms going onto the State Law Library website.
3. Education & Outreach: "Legal Information vs. Legal Advice" (*Strategic Plan Goal 2.1*)
 - a. **The training materials exist. The Committee will seek endorsement of the materials from the A2J Commission at the December 2015 meeting.**
 - i. **Abby will compile the materials**
 - ii. **Erin will provide a list/write up of where these presentations have been given in the past**
 - b. In-Person trainings in the major areas (Billings/Miles City; Bozeman; Helena; Great Falls; Kalispell; Missoula) – 3 by the end of 2016 and 3 by the end of 2017
 - c. In-Person trainings at the Clerk of Court Association or Courts of Limited Jurisdiction trainings
 - d. Identify possible grant opportunities for either the training materials and/or travel and mileage; Possible grant options at MJF, Judges Association; Clerks' Association
4. Communication/Material dissemination:
 - a. Erin will work with Ann and Joe to get the "Practice Tips for Lawyers" online as the substantive content exists (*Strategic Plan Goal 2.2.C*)
 - b. The Committee will create a regular method of communicating its updates to the State Bar, perhaps through an ad in the MT Lawyer that

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simply directs folks to our website that then links directly to the appropriate mt.gov link (*Strategic Plan Goal 2.2.D*)

- c. The "Office Guide" for working with SRLs already exists. Erin will get that to Ann to disseminate (*Strategic Plan Goal 2.2.G*)
 - d. Kay will coordinate checking Committee public email. Committee will review current website and determine if there would be a better "home" for the SCSRL web page and/or if the page can be linked from the Court Help website
5. The Committee will continue to coordinate with the State Law Library through Lisa. (*Strategic Plan Goal 2.3.A*)
 6. Legislative Changes (*Strategic Plan Goal 4.3*). To prepare for the 2017 Legislative session, the Committee will formulate a plan concerning its approach to Legislation, including answering questions such as whether the A2J Commission has to sign off on Committee decisions/lobbying re: proposed legislation; what criteria and/or key terms will trigger the Committee's commenting and/or lobby for or against proposed legislation; and develop mechanisms to determine how the Committee will track legislation and then either comment and/or lobby. This plan must be in place by September 2016 to be prepared for the 2017 Legislative session.

5. Closing Remarks

When reviewed holistically, the Committee felt it has come a long way in the last 18 months and learned a lot about how to regroup to be more effective and practical in approaching and implementing the strategic plan.

NEXT MEETING: THURSDAY JANUARY 12, 2015 FROM 1:30 PM TO 3:30 PM

Please come to the January 2016 meeting prepared to sign up to work on either (1) the Education & Training 2016 Work Plan discussed above under # 3; or (2) the Legislative Changes 2016 Work Plan discussed above under # 6.

If you are assigned to any other items above, this is the date of expected completion (unless it was to be completed soon, as indicated above).

New membership will also be discussed at this meeting, including: (1) new Chair or Co-Chairs; (2) new JIC; (3) new representative from Clerk of District Court; and (4) new representative from Courts of Limited Jurisdiction.



**The Supreme Court of Montana Access to Justice Commission
Standing Committee on Self-Represented Litigants
Strategic Plan and Priorities
February 2014**

Vision: To achieve the fair and efficient resolution of unmet legal needs

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 AZJC 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 canons**
- 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**

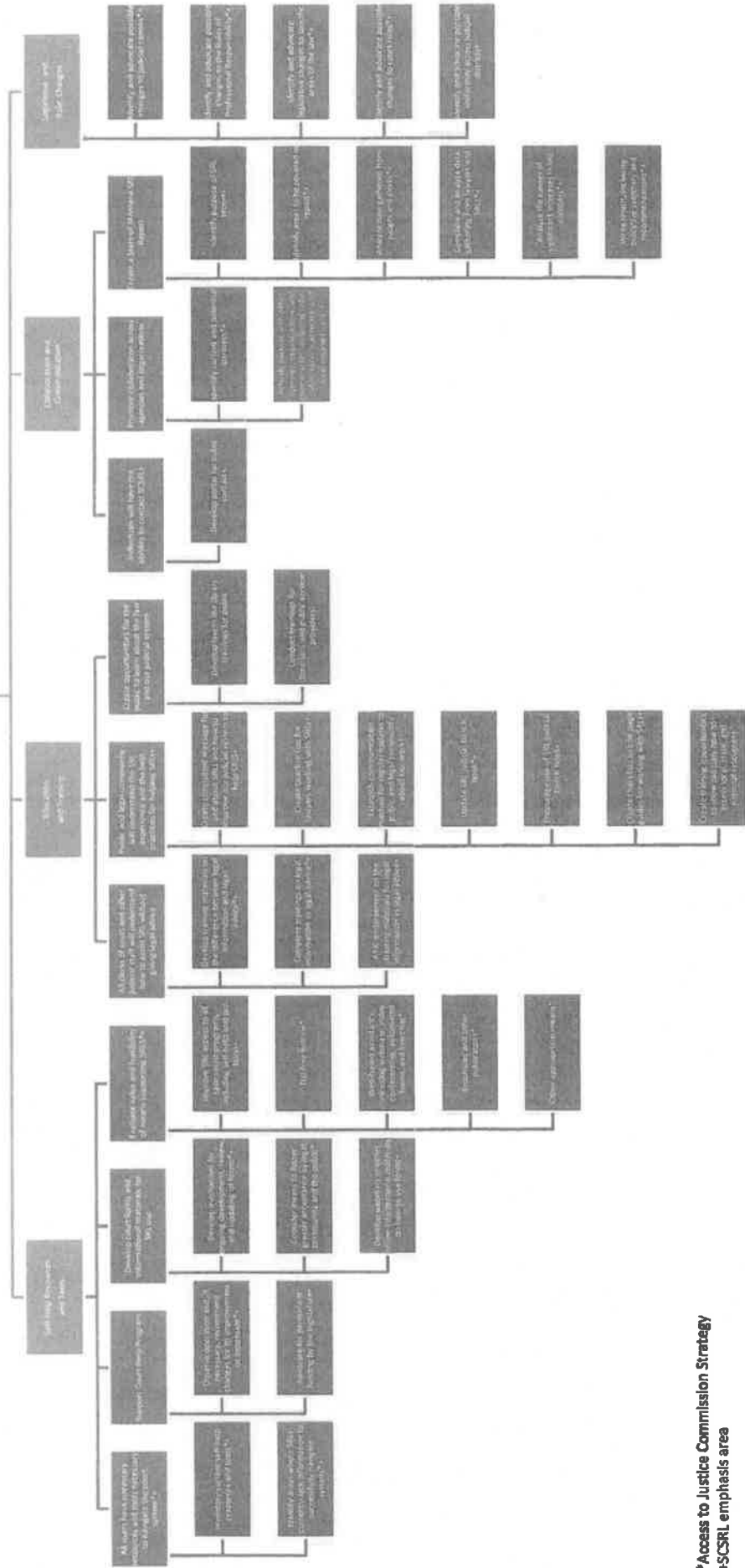
NOT RECOMMENDED:

Analysis of cost to court system of unsupported SRS
Analysis of cost to state when SRS don't receive results
to which they are entitled

SCSRL Strategic Plan and Priorities

RECOMMENDED for another committee:

Study of the creation of a SRS Division within the OCA



*Access to Justice Commission Strategy
+SCSRL emphasis area

