

MINUTES

Joint Meeting of the Access to Justice Committee and the Justice Initiatives Committee June 25, 2014

- I. Call to order and roll call of members: Justice Beth Baker, Amy Sings in the Timber, Jon Bennion, Michelle Potts, Jock Michelotti, Elizabeth Weaver, Hon. Kurt Krueger, Abigail St. Lawrence, Janice Doggett, Marijo MacDonald, Kate Kuykendall, Alison Paul, Hon. Michele Snowberger, Jamie Iguchi, Justice Laurie McKinnon, Angie Wagenhals, Patty Fain, Randy Snyder, Kelly Carmody, Sara Garcia, Alice Jones, Tessa Keller, Michele Robinson, Aimee Grmoljez, Matt Dale, Melanie Reynolds, Teri Mazer, Hon. Winona Tanner, Justice Mike Wheat
By Phone: Andy Huff, Hillary Wandler, Anna Felton, and Hon. David Ortley
- II. Approval of Meeting Minutes from 2/28/14: Substitute Aimee Grmoljez for Amy Sings in the Timber for motion to approve. Minutes approved.
- III. Justice Initiatives Committee Meeting Report- Abigail St. Lawrence
 - Family law mentoring: JIC completed a survey on mentoring to find out what is available for interested mentors/mentees and what's desired. The surveys showed that the most interest was in a tiered mentoring system. JIC is working to promote existing State Bar resources.
 - Mediation: Law and Justice Interim Committee reviewed proposals for mediation models, with JIC supporting the North Dakota model. JIC is monitoring what the interim committee does with the mediation proposal.
 - Promote emeritus status: JIC is working to promote by publishing a MT Lawyer article.
 - Promote nonprofit pro bono opportunities: JIC is working to promote the service by working with the Montana Nonprofit Association.
 - TRO Clinic: Currently promoting as a limited scope pro bono opportunity that can be of great help to the courts. Judge Snowberger would like to see the TRO clinics in the lower courts as well. MLSA currently has a project for a part time attorney to do just OOPs. That attorney can assist with trainings, etc. and Alison will follow up with contact information.
 - Neil Haight Nominations: Will highlight the successes of the pro bono clinic in Bozeman.
 - Next JIC meeting is August 22nd
 - **Note:** Please update Abigail's email address to abigail@stlawrencelaw.com
- IV. State Bar Update- Janice Doggett
 - Modest Means Program: There's been an increase in participation since 2009. Modest Means accepts referrals from MLSA for clients below 200% FPL but above MLSA's threshold. It's always difficult to place cases in Eastern Montana but the program has 150 attorneys that participate statewide.
 - Emeritus program: Designed for seasoned attorneys. The program is currently working with MLSA to allow nonprofits to apply for help from pro bono emeritus attorneys.
 - CLE certificates: Reminder that the Bar gives free CLE certificates to attorneys who have performed 50+ hours of pro bono work in a given year.
 - Pro Bono Statistics: The annual pro bono report shows that attorneys donated \$20 million worth of donated time to pro bono services last year. See report from Janice for more detail.

- State Bar Survey: Returned surveys show that providing support for pro bono and legal services to the poor is the fourth most important activity of the State Bar for attorneys and the second most successful activity of the State Bar in attorneys' views.
- V. Report from Court Administrator- Beth McLaughlin
- Budget for the biennium will include a permanent funding request for court help program in the Judicial Branch's budget. The budget is larger than in the past because it includes an increase in staff hours at the Bozeman and Great Falls centers. The Judiciary will ask for \$875,000 for the biennium. The best way to ensure funding is for committee members to speak to their local representatives and coordinate with others in their communities to do so.
 - SJ22: Many of the bill proposals that are being considered by the committee will help streamline the process. LCIJ05 and LCIJ06 both deal with mediation requirements- 05 mandates mediation while 06 follows the North Dakota model.
- VI. Gaps and Barriers Report- Kelly Carmody
- Study looked at gaps in geography, gaps for particular populations, and gaps for particular legal areas. Study found that there are widespread gaps all over Montana.
 - Study also looked at the barriers to justice in Montana and found that it's often complicated to proceed pro se and there's a lack of knowledge of legal providers.
 - Study concludes that we need additional staff attorneys and pro bono services and that most strategies to address the gaps and barriers found require additional funding.
 - See the report for much more detail
- VII. Communications and Outreach Committee- Matt Dale
- The committee is taking on all of the tasks laid out in the Strategic Plan including: producing materials related to A2J education, reviewing gaps and needs strategy, convening a statewide A2J forum, preparing a report on the importance of civil legal assistance, sponsoring a statewide symposium on A2J issues, and hosting a town hall on A2J issues.
- VIII. Self Represented Litigants Committee- Hon. Michele Snowberger
- Committee has developed a strategic plan and priorities. Four emphasis areas have emerged and each area has a subcommittee assigned.
 - Put together dissolution with children packet that includes a parenting plan. Judge Snowberger advised that these draft forms are posted on the Supreme Court's website and encouraged everyone to look at them and provide comment.
 - Judge Snowberger reported on the trip that she and Erin Farris took to New York to review court self-help centers.
 - Committee has an email address to streamline communication (scsrl@mt.gov).
- IX. Law School Partnerships Committee- Jamie Iguchi
- The committee is working with its partners to assess and support existing programs and opportunities for students. The committee is also working to develop a signature program to pair law students and attorneys through a mentorship program.
 - Research related to other priorities including the support in other states of adopting changes to local rules to accommodate law school practice.
 - **Action Item: Approve Pro Bono activity statement.**
 - Activity statement is meant to be submitted as part of the application materials when an applicant seeks Bar admission. The form gives the applicant an opportunity to highlight their pro bono work and signals to the applicant that the

Bar takes pro bono seriously. The application is very clear that submitting the form is voluntary and will not be used to evaluate admission.

- Discussion on the action item: Concern that the information would be released (in an effort to use self identified pro bono volunteers) when all of the bar admission materials are confidential. Concern that there's no clear indication on where the information goes. Justice Baker proposed adding a consent form allowing for release upon admission to the Bar.
- Concern from the committee members that applicants would feel that submitting the form (no matter how clear it was made that the form is voluntary) would be used as a part of the character and fitness evaluation. Some members feel that we need to move forward with something and let the character and fitness committee work out some of the wrinkles.
- **Judge Kruger made a substitute motion** to add consent to the release of information at the bottom of the voluntary statement (Teri Mazer seconds)
 - Chris Manos on sub motion: Suggests that character and fitness commission and committee need to discuss at what point the applicant info is given out.
 - Judge Snowberger will not support until steps on how the information will be used are in place
 - Judge Kruger calls for question
 - **Randy Snyder moves to amend the motion** to say that we philosophically approve the document before the committee but that we not submit to the Supreme Court for approval without the questions raised answered in detail. Final approval can be handled at the next meeting. Michele Robinson seconds the amended motion. Further discussion was had by the Commission. All vote aye, Andy Huff voting nay.

X. Policy and Resources Committee

- The committee reviewed Strategic Plan priorities and agreed that they were within the committee's scope.
- Committee is looking at pro hac vice funding to support court help program.
- **Action Item: Cy pres rule approval.** Rule would indicate that residual funds be distributed to a nonprofit association that furthers the underlying decision of the case. Motion comes to commission as a seconded motion. Amy Sings In The Timber explained what cy pres is and how the rule would work. Right now, funds sometimes go to MJF or sit in trust accounts. There's no way to estimate the amount of money being discussed because it ranges so greatly. The rule would dictate that not less than 50% of whatever funds are leftover would go to access to justice. Judge Snowberger calls for question. All vote aye, no nay votes.
- Committee would like to draw commission's attention to a proposal by a Missoula attorney to support the Uniform Collaborative Law Act. The committee agreed to review the proposal but will not take any action at this point in time.

XI. Other business: The commission is responsible for awarding the Karla Gray award. There will be an email vote in late July after nominations are submitted.

XII. Justice Baker called for additional public comment on any matter on the agenda. None was offered.

XIII. Next meeting will be in the fall, date and location to be determined. Meeting adjourned at 2:55 p.m..