

Montana Supreme Court Access to Justice Commission
June 26, 2013
State Capitol, Room 152
12:30 – 3:30pm
Meeting Minutes

Commissioners Present: Sharon Skaggs, Robin Meguire, Justice Baker, Melanie Reynolds, Andy Huff, Jennifer Brandon, Andrew King-Ries, Alison Paul, Judge Snowberger, Randy Snyder (phone), Judge Ortley (phone), Judge Krueger, and Rep. Chuck Hunter.

Commissioners Absent: Sen. Rick Ripley, Melanie Reynolds, Jon Bennion, Matthew Dale, and Judge Jackson.

Call to Order: 12:40pm.

The Commission members present introduced themselves.

The Commission discussed nominations for the Karla Gray award. The only nominee for this year's award is Justice Baker. Justice Baker left the meeting during the discussion. Several members spoke in favor of the nomination. Andrew called the matter to question; the Commission unanimously voted to award Justice Baker the 2013 Karla M. Gray Equal Justice Award.

Justice Baker rejoined the meeting.

Former Chief Justice Karla Gray described the award and its history, and congratulated Justice Baker.

Educational Presentation

Alison Paul, Executive Director of Montana Legal Services Association, gave a presentation summarizing access to justice needs and efforts in Montana.

Justice Baker provided a brief summary of key points from Montana's 2012 pro bono report.

Alison described Montana's Court Help Program, pro bono efforts in Montana, and several specialized services offered by Montana organizations such as the People's Law Center, Disability Rights Montana, Montana Fair Housing, and local mediation centers. In addition, Montana has several domestic violence shelters, and the CSKT offers legal services to members.

Alison described funding sources for legal aid. The Legal Services Corporation is the largest funder of legal services in the nation. Funding has declined in recent years, and continues to decline in the current year. Montana Legal Services Association cannot lobby at the federal level, and can lobby only for its own funding at the state level.

Alison clarified that Montana Legal Services Association receives funding for specific services under various state contracts, and that there is state funding for the Court Help Program. The Montana Justice Foundation is Montana's largest in-state funder of civil legal services. These funds have also declined as interest rates dropped.

Alison described the services offered by Montana Legal Services Association. She noted that Montana Legal Services Association has recently begun to focus on impact work. Montana Legal Services Association also takes on a huge role in coordinating pro bono work in Montana.

ATJC Initiatives

Andrew reviewed the tasks set for the Commission. He also noted that mediation has the potential to become a fourth piece of the puzzle for the ATJC. Andrew asked for reports from the Commission's four working groups.

Gaps & Barriers

Andrew introduced Kelly Carmody to give an overview of the work the Gaps & Barriers Committee has been doing. Kelly has contracted with the State Bar and the Montana Justice Foundation to develop and implement a study of the gaps in service and barriers to accessing the justice system in Montana. The study aims to identify what prevents people from accessing services in various communities, and identify areas where services are lacking.

Kelly described the study's development and progress. The purposes of the study are:

1. to identify legal assistance that is available to low- and moderate-income Montanans, and to identify the gaps in services;
2. to identify barriers that impede low- to moderate-income Montanans' access to services; and
3. to recommend strategies to enable Montanans to overcome the identified barriers.

Kelly described how information for the study will be gathered. The study will make use of data that is already available, and will also include interviews, surveys, and community listening sessions. The goal is to have the general interviews completed in September, and then move on to interviewing community partners and service providers that people in need of legal services make use of, such as senior centers and veterans' organizations.

When the identified data has been gathered, Kelly will produce a report for the Commission. The study will take place in several regions the Committee has identified with the hope that the study results can be applied state-wide. It will also target specific demographics that have known barriers to access.

Several Commission members asked questions of Kelly. The target date for the study report to be complete is in January 2014, but this is optimistic. Kelly described how several different communities were chosen for inclusion in the study, and clarified the role census data will have in the study.

Andrew noted that the Commission needs to approve the scope of the survey.

Robin moved to approve the scope of the proposed Gaps and Barriers study. Andrew seconded.

Andy Huff suggested that the Commission be open to shifts in the study's emphasis if it becomes obvious that shifts are necessary.

Judge Snowberger called the motion to question. The motion passed unanimously.

BREAK: 2:10pm - 2:25 pm

Website and Legislative Update:

Beth McLaughlin gave an update on the recently completed legislative session. There were two areas of particular relevance to the work of the Commission: the budget and SJ-22.

The Court Help program received \$650,000 over the biennium; this is one-time-only funding, which means the program will have to return and ask for funding again during the next legislative session. The program has been charged with looking at the viability of charging for services over the next period, and will give a good-faith effort to consider the issue.

SJ-22 is a resolution to conduct an interim study of family law in Montana. This issue was selected for funding as a Law & Justice Interim Committee Study. Beth shared statistics from 2012 highlighting domestic relations cases in Montana's district courts. SJ-22 asks the interim committee to look at the problem and come up with potential solutions.

Beth gave a demonstration of the new Court website. The website has several features useful to the Commission and the public, including a page designated for Commission work. The Commission can post documents to the site for download. Everything on the site is public.

Beth noted that electronic filing is being tested in district courts, and will be moving forward over the coming year.

Strategic Planning:

Alison gave a report for the Strategic Planning Committee, as the Chair was not present. The Committee recommends that the Commission approve working with John Tull to engage in a strategic planning process. John's proposal was distributed to Commission members in advance of the meeting.

The Commission discussed John's proposal. Justice Baker noted that it is imperative the Commission stay within its \$10,000 budget, and asked whether John's proposal can be revised to meet the budget.

Alison indicated that the Committee's discussions with John made it clear the proposal can be revised to meet the budget without losing much value. Before he begins the work, there will be a contract limiting the cost of the planning process.

Randy raised concerns about whether this is the appropriate time for the Commission to engage in an expensive strategic planning process. Discussion ensued. Some Commissioners observed that other boards and organizations in which they have participated have faltered without a strategic plan in place. Justice Baker and Alison both emphasized that there is grant money available specifically for the purpose of strategic planning, and that the money has a mid-fall deadline.

Judge Krueger moved to grant the Strategic Planning Committee the authority to come up with a strategic planning contract within the budget. Judge Snowberger seconded the motion. The motion passed unanimously.

SRL Standing Committee:

Judge Snowberger described history and recent work of SRL Committee, which began as a Commission, and is now a standing committee of ATJC.

The SRL Committee is working on two fronts: form development/approval, and education of Court staff. To this end, the Committee has developed and is in the process of sending out several data-gathering surveys to judges and clerks of court. Patty Fain has done a lot of great work on these efforts, and the early results of the surveys show a good response rate. The Committee will continue to seek additional responses.

The SRL Committee intends to conduct a visioning session sometime near August. This will help clarify the Committee's goals and objectives.

The Forms sub-committee has been working on a first round of revisions to forms.

Andrew suggested the SRL Committee share the information it gathers from its surveys with Kelly for possible use in the Gaps & Barriers study.

Erin Farris noted that the new Court website and the LawHelp.org website have the capability to track which forms are being accessed.

Sharon shared that she and other clerks have formed an education committee for Clerks of Limited Jurisdiction. This committee meets in the first week of April. The ATJC or SRL Committee could likely get on the agenda.

Andrew asked whether there are any forms the Commission needs to approve.

Judge Snowberger summarized the Court's Order regarding the Committee, noting that the Commission has to agree to the revised forms. The Committee will send them to the Commission's chair for approval when they are ready. When they have been approved, the forms will go up on the website. There are no forms in need of approval right now.

The Commission discussed the public nature of its work and determined that all meeting minutes, agendas, forms, and other documents produced by the Commission should be available

to the public. These will be posted on the website. Notice of Commission meetings has been and will continue to be posted on the Commission's website.

Pro Bono Requirement for Admission to the Bar

Justice Baker referred the Commission members to page 33 of the meeting materials, describing the Committee's request for an extension of the MT Supreme Court's deadline for making a recommendation to the Court regarding requiring pro bono service for admission to the State Bar. Justice Baker described the Committee's work, which has included gathering data and setting goals. The Committee's work and goals are included in its request to the Court for an extension. Justice Baker clarified that the Committee is asking for more time so that we can be sure we know what is being done in Montana and other states, how it's working, and can come up with a Montana-made solution.

Justice Baker moved that the Commission approve the report and request for an extension. Judge Snowberger seconded the motion. The motion was approved unanimously.

Andrew will sign the report and request for extension.

Equal Justice Conference Update

The Commission postponed a report on the 2013 Equal Justice conference. Several members attended, and agree that the conference provided excellent information and opportunity to share our work and learn from others.

Public Comments and Next Steps

Andrew opened the floor for public comment.

There were no comments from the public.

Andrew asked for a discussion of next steps for the Commission. Funding to sustain the work of the Commission is a significant issue that the Commission needs to address. Discussion ensued.

Justice Baker stated that the next Commission meeting is set for September 18 in conjunction with the State Bar's Justice Initiatives Committee. Each Commission will have the opportunity to meet in the morning, followed by lunch and a joint meeting in the afternoon.

The Commission has not decided whether it will meet again in December, but a December meeting is likely.

Chuck moved to approve the minutes from the December, 2012 meeting. The motion passed unanimously.

Justice Baker moved to adjourn. Andrew seconded; the motion passed unanimously.

Meeting adjourned: 3:50pm.