

**Montana Supreme Court Access to Justice Commission**

**June 5, 2020**

**Zoom Video Conference**

**10:00 AM – 12:00 PM**

**Meeting Minutes**

**Commissioners Present:** Justice Beth Baker, Katy Lovell, Alison Paul, Hon. John Kutzman, Daniel McLean, Ed Bartlett, Melissa Schlichting, Sen. Terry Gauthier, Hon. Leslie Halligan, Dean Paul Kirgis, and Aimee Grmoljez.

**Commissioners Absent:** Rep. Kimberly Dudik, Rick Cook, Georgette Boggio, Hon. Stacie Smith, Hon. David Carter, Kyle Nelson, and Melanie Reynolds.

**Others Present:** Niki Zupanic, Tara Veazey, Sarah McClain, Abigail St. Lawrence, Beth McLaughlin, Ann Goldes-Sheahan, Nolan Harris, Derrek Shepherd, Kelsi Steele, Patty Fain, Hon. Kaylan Minor, Carin McClain, and Krista Partridge.

**Call to Order & Introductions**

Justice Baker called the meeting to order at 10:02 a.m. Justice Baker asked for corrections to the meeting minutes and Dan McLean asked that “quick claim” be changed to “quit claim”. The minutes were approved as corrected without objection.

**Discussion of COVID-19 Impact on Access to Justice Work**

Justice Baker’s letter to Governor Bullock requesting CARES Act funding for civil legal aid was included in the meeting materials and Justice Baker asked Alison Paul to give an update on MLSA’s CARES Act grant application and on the demand for services since the beginning of the pandemic. Alison reported that MLSA had applied for a business innovation grant under the Governor’s Coronavirus Relief Fund grant program and did not receive an award. She said that MLSA has experienced a significant increase in traffic on the MontanaLawHelp website and a surge in requests for help in housing cases. She added that MLSA has seen a big increase in the number of pro bono volunteers.

Supreme Court Administrator Beth McLaughlin reported that the courts and court administrative offices have transitioned to remote work using the Judicial Video Network, Zoom, and conference calls. She added that judges have been creative in their use of technology and that coordinators at the youth and drug courts face challenges in staying in touch with participants. Justice Baker thanked Beth for the great job that the staff have done in supporting the transition to remote work. Derrek Shepherd added that Montana has adapted very quickly compared to other states and that tools like the automated forms and video explainers developed with technology grants have helped us to meet this challenge. Judge Kutzman said that Cascade County plans to use the fairgrounds for voir dire and jury selection and that only one trial per week can be held at the courthouse. Judge Halligan said that Missoula is taking a similar cautious approach with most hearings held on Zoom. Judge Minor said that remote appearance options have actually helped low income people to have better access since they may not have to take time off from work to appear in court. Beth McLaughlin added that most of the courts of limited jurisdiction did not have cameras and so

significant purchases of technology equipment, as well as bulk purchases of hand sanitizer and masks have been made using CARES Act funds.

### **Strategic Planning and Justice for All Grant Update**

Tara Veazey directed the group to Tab 4 of the meeting materials for changes to the strategic plan, and priorities for the second round of funding recommended by the Strategic Planning Committee. Space was added to the plan to allow for the addition of milestones and metrics to be established by each standing committee, and priority strategies and activities are shown in bold font. The committee recommended that remote access to the court system should become a priority and that the Commission should consider creating a Technology Committee to lead this activity. The Strategic Planning Committee also proposed to remove the priority designation from the strategy to support innovative programs such as incubator programs and expanded pro bono opportunities for law students because that work has now been institutionalized. Dean Kirgis and Kelsi Steele agreed with this recommendation and said that good progress has been made. Alison Paul reported that MLSA will host two summer interns from the law school and thanked Dean Kirgis for supporting law school stipends for those interns. She added that the Rural Incubator Program (RIPL) will add two more Fellows this summer and that coordination of the Modest Means program with RIPL is going well. Finally, Tara said that the strategy to create a recruitment and retention plan for the Commission and committees will be prioritized and will be led by the Strategic Planning Committee. Justice Baker asked for a motion to approve the changes to the Strategic Plan as presented by Tara and outlined in the meeting materials. Alison Paul so moved and Dean Kirgis seconded. The motion was approved without objection.

Tara then described potential budget priorities for a second round of Justice for All funding. Up to \$42,000 may be available, with \$25,000 in new funding from the National Center pending and approximately \$17,000 in beta-testing and carry-over funds. The priorities to consider include: support for research into informal domestic relations trials; judicial toolkits on issues related to self-represented litigants; a webinar series on Justice for All components and emerging best practices; mini-grants of up to \$5,000 each for projects associated with any of the Justice for All components; and support for administration, overhead and staff time for the Montana Justice Foundation to administer and manage the mini-grant program. Justice Baker moved that the Commission approve the proposal for a budget framework and authorize the Strategic Planning Committee to set funding priorities. Alison Paul seconded the motion. Aimee Grmoljez said that the funds should go to local governments under the CARES Act, and Justice Baker clarified that these funds are from the National Center for State Courts and not the CARES Act. The motion was approved without objection.

### **Self-Represented Litigants Committee**

Nolan Harris reported that the committee met on May 27, 2020, and the number of attendees, volunteers and overall engagement was very encouraging. The committee is increasing its membership and will add the rotating President of the Clerks of Court Association as a member. They are also trying to add more judges to the committee. Patty Fain created a survey to get feedback from courts and pro se litigants on the kinds of forms and resources that are most needed. Nolan said that the committee will add metrics to the Strategic Plan such as the number of forms created, and the number of downloads, page views, clicks and visits to the MontanaLawHelp and Court Self Help Forms websites. Judge Kutzman suggested that the committee should do a survey

of which judicial districts are using the standardized forms in preparation for e-filing. Nolan added that the family law forms are nearing completion and the committee is identifying areas of need for new forms. Nolan also reported that the committee is getting feedback on forms by attending as many relevant conferences as possible. Dan McLean asked if it's acceptable for him to provide phone advice clients with probate forms that he has developed. Nolan said that it would be better to direct people to the probate forms packet available on the court website. Justice Baker added that we are trying to stop the proliferation of different forms and asked Dan to work with Katy Lovell if he has suggestions on how to improve the existing forms. Sarah McClain is the new Chair of the Education and Outreach subcommittee and this group will lead the effort on two of the priority areas for the SRL Committee: development of a referral flow chart to better coordinate triage and referral for relevant stakeholders; and improvement and production of additional explainer videos for court forms with a focus on family law and housing forms. Nolan said that links to the explainer videos and instruction sheets are located on the court website along with the forms.

### **Policy and Resources Committee**

Abby St. Lawrence report that the bill draft for civil legal aid funding is ready to go and there have been no proposed changes to the draft since the last meeting. The next step is to begin conversations with legislators. Before the pandemic, the plan had been to hold these conversations in person with appropriations committee members after the primary election. The new plan is for Justice Baker to send a letter to key decision-makers along with a copy of the bill draft and a two-page explanation. Justice Baker added that the letter will be on Commission letterhead and will be mailed out in hard-copy format. Abby noted that the letter will be sent to key leadership and committee members and not to candidates. She asked that committee members please respond to the poll for the next meeting date. The meeting will focus on new and revised assignments based on the strategic plan.

### **Communications and Outreach Committee**

Niki Zupanic reported that the most recent meeting of the committee to discuss the strategic plan had been postponed and not yet rescheduled.

### **Public Comment and Next Meeting Date**

Justice Baker asked for public comment. There was no public comment. Justice Baker said that the next meeting on September 18, 2020, will likely be held on Zoom and asked for feedback. The meeting was adjourned at 11:42 a.m.