

Montana Supreme Court Access to Justice Commission
September 14, 2018
Large Conference Room, Office of the Court Administrator
301 S. Park, Third Floor, Helena, MT
10:00 AM – 12:00 PM
Meeting Minutes

Commissioners Present: Justice Beth Baker, Sen. Terry Gauthier (phone), Hon. David Carter, Alison Paul, Dean Paul Kirgis (phone), and Aimee Grmoljez (phone)

Commissioners Absent: Rick Cook, Kyle Nelson, Hon. Winona Tanner, Ed Bartlett, Charlie Rehbein, Rep. Kim Dudik, Hon. Leslie Halligan, Hon. Greg Pinksi, Dan McLean, Melanie Reynolds, and Georgette Boggio.

Others Present: Sarah McClain, Niki Zupanic, Derrek Shepherd, Ann Goldes-Sheahan, Patty Fain, Hannah Cail, and Krista Partridge.

Call to Order: 10:06 a.m.

Since a quorum of Commissioners was not present, Justice Baker asked for brief reports from those present who were scheduled to give updates.

Interpreter Services

Derrek Shepherd provided an overview on interpreter services in the courts and referred the group to the meeting materials in Tab 5. He reported that it is the responsibility of the courts to find interpreters when requested and stated that the person's preference for interpreter services is usually honored. Derrek said that family members are discouraged from interpreting, but they are allowed to do so if the person insists. Alison Paul noted that MLSA's experience is that sometimes the courts don't know when a family member is being used as the interpreter. Justice Baker said she would mention this at the upcoming Judge's Association meeting. Judge Carter added that telephone and video conference interpretation services are a great resource and said he would provide the contact information to Derrek.

Incubator Project Update

Hannah Cail, the Program Coordinator for the Rural Incubator Project for Lawyers (RIPL), provided an update on the project. She said they are still working on securing stipend funding and are considering opening up the CLE and other training sessions to the full bar in order to raise funds. The goal is to select 2-4 participants for the inaugural Fellowship class to start in February. Fellows will be pro bono residents at MLSA and will receive mentoring and free or low-cost shared office space at MLSA's Helena office. Hannah said she would be at the State Bar Annual Meeting to talk about the program and recruit mentors.

ERAMP Update

Patty Fain reported that the in-person training in July at Flathead Community College was very successful and that the program launched this week, with the first mediations scheduled to begin

in October. Patty added that all of the judges in the 11th Judicial District are participating in the pilot. Justice Baker and Dean Kirgis thanked Patty for her hard work on the project.

Orders of Protection Project

Judge Carter provided an update on the Orders of Protection (OOP) Project and said that they are still gathering data to measure its effectiveness. He stated that it is still very difficult for litigants to collect the criminal justice information needed, but the attrition rate from the temporary to permanent order of protection hearings has gone down. Another barrier has been parenting issues and the inclusion of children on the order of protection. Judge Carter said that they are trying to identify problematic parenting scenarios early in the process and immediately direct litigants to the Standing Master for an interim parenting plan. The goal of the program is “30 days to justice” and he added that having some kind of interim parenting plan in place is better than the alternative. Justice Baker asked Judge Carter to write up a brief summary of the process so that she can solicit feedback from the district judges. Alison Paul said that MLSA’s crime victim rights group is gathering information on the various OOP processes around the state and offered that they could interview Judge Carter and write up the summary for Justice Baker. Judge Carter added that the OOP statutes in Montana are very arcane and that proposed revisions are underway to improve the statute.

Public Comment and Next Meeting Dates

Justice Baker asked for public comment. There was no public comment.

Justice Baker reminded the group that the next meeting date is December 7 and will be a joint meeting with the Justice Initiatives Committee. She encouraged in-person participation if possible since this will be the last meeting before the 2019 Legislative Session. The meeting was adjourned at 10:54 a.m.