

**Montana Supreme Court Access to Justice Commission**  
**September 20, 2019**  
**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, Rep. Kim Dudik (phone), Alison Paul, Hon. David Carter (phone), Hon. Leslie Halligan (phone), Katy Lovell, Dean Paul Kirgis (phone), Rick Cook (phone), Melissa Schlichting (phone), Dan McLean, and Hon. Stacie Smith (phone).

**Commissioners Absent:** Ed Bartlett, Georgette Boggio, Kyle Nelson, Sen. Terry Gauthier, Aimee Grmoljez, Hon. John Kutzman, and Melanie Reynolds.

**Others Present:** Justice James Shea, Stuart Segrest, Patrick Armstrong, Brian Coplin, Ann Goldes-Sheahan, Nolan Harris, Carin McClain, Krista Partridge, Angie Wagenhals, Mēghan Scott, Tara Veazey (phone), Patty Fain (phone), Sarah McClain, Abigail St. Lawrence, Hon. Kaylan Minor, and Niki Zupanic.

**Call to Order & Introductions**

Justice Baker called the meeting to order at 10:03 a.m. A quorum of Commissioners was not present at the beginning of the meeting, so the approval of minutes was postponed until later in the meeting.

**MLSA Update**

Alison Paul reported on a new grant that MLSA received from the Legal Services Corporation to develop resources and a network of agencies and volunteers to provide civil legal assistance to disaster victims in Montana. Alison added that MLSA has hired a project coordinator with extensive disaster preparedness experience to spearhead this 30-month project. Brian Coplin offered to share resources and asked for the coordinator's contact information.

Alison also reported that MLSA is working with the Court Administrator's Office to address the problem of courts throughout the state failing to provide free translation services upon the request of litigants. MLSA is receiving reports from clients that they are being told they must pay for their own translators. MLSA is drafting an English-Spanish pro se form for use in requesting translation services. Alison said that MLSA may need to bring a claim if we continue to see this problem. Judge Halligan added that a wide variety of translators are needed, not just Spanish, and suggested that we should reach out to hospitals for help in finding additional resources. Patty Fain asked about certification requirements for translators and whether there is a difference between an interpreter and a translator. Sarah McClain replied that interpreter refers to spoken language, and translation refers to written language and added that certified interpreters and translators aren't required in Montana courts.

Finally, Alison said that the DV Working Group met in August and that the group has found value in their discussions, but that they aren't as active in project work due to turnover in the group.

Mēghan Scott, MLSA’s Justice for Montanans (JFM) Project Director and Rural Incubator Program for Lawyers (RIPL) Coordinator, gave an update on both programs. Mēghan reported that 19 new JFM members were just sworn in and that we have a new partner agency, Montana Fair Housing in Butte, for a total of 6 partners. Mēghan reviewed the summary of outcomes achieved by the members during the last term of service (copy attached). Justice Baker asked how the JFM members leverage pro bono attorneys and Mēghan explained that the members organize monthly pro bono clinics in Billings, Missoula, Helena, and quarterly clinics in Bozeman, Kalispell and Great Falls. Mēghan added that we have to re-compete for the AmeriCorps grant every three years and for our competitive application this year, we plan to expand the program by adding another partner and three more member positions. For the RIPL program, Mēghan reported that we have recruited two new Fellows who will start with “boot-camp” training during the first week of October. She explained that we are adjusting the program to focus more on Modest Means referrals to deliver services statewide, rather than trying to place attorneys in rural locations. Dean Kirgis asked why we haven’t placed Fellows in rural and Eastern Montana, and Alison replied that despite our best recruiting efforts, no one from those areas applied. Alison added that the two RIPL fellows who started in the spring of 2019 have already taken 200 Modest Means referrals. Ann Goldes-Sheahan added that there are many rural areas in Western Montana without enough attorneys and that the greatest volume of requests for sliding fee services is still in the more populated areas of Montana.

### **Justice Initiatives Committee Update**

Ann Goldes-Sheahan provided an update from the Justice Initiatives Committee (JIC). She noted that there is a lot of overlap between the JIC and the Access to Justice Commission and its committees and added that the JIC wants to collaborate more with the Commission and other access to justice stakeholders. Ann pointed out that the JIC has a new statement of purpose and strategic plan that is included in the meeting materials. She added that the new edition of the Montana Lawyer is focused on access to justice issues. Stuart Segrest reported that the CLE for Government Employees, last offered two years ago, is coming up in October and will focus on pro bono opportunities for state-employed attorneys and on clearing up misunderstandings about state policies around pro bono work. The CLE will also include instruction on how to do limited scope work. Justice Shea added that 20 chief counsels from various state agencies plan to attend. Ann also reported that the State Bar is moving forward with a licensed lawyer portal for referrals. Stuart asked for feedback on the JIC strategic plan and Justice Baker said that it looks very good and is the most detailed plan she’s seen from the committee. She noted that the focus on pro bono is especially welcome and that it complements the efforts of the Commission. There were no other comments.

### **Approval of Minutes**

Justice Baker confirmed that a quorum was now present and asked for comments or corrections to the minutes of the March and June meetings. There were no comments or corrections. Alison Paul moved to approve the minutes from both meetings and Rick Cook seconded the motion. The minutes were approved without objection.

### **Law Library Update**

Sarah McClain gave an update on the Self-Help Video Project. She explained that the videos include general legal information and also provide line-by-line instruction on specific pro se forms,

including the fee waiver form and the most popular family law forms. The videos are on YouTube and will also be made available on Instagram. Links to the videos will also be placed on MontanaLawHelp.org alongside the appropriate forms. Letters of appreciation from Justice Baker on behalf of the Access to Justice Commission were sent to the JFM members and the Supreme Court law clerk who worked on the videos.

A link to a summary of case law related to pro se litigants and procedural standards, prepared by Justice Shea's intern, was included in the meeting agenda. Kaylan Minor said that she would like to include the summary in her presentation for courts of limited jurisdiction and Stuart Segrest offered to send her a recording of the CLE that was presented on this topic.

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

Nolan Harris reported that the family law form edits are nearly complete. Improvements include more plain language, a streamlined process for combining forms, and more judge-friendly decrees. The finalized forms will be presented at the next district judges' meeting on October 9, and the forms will be published after the judges have a chance to review them.

### **Law School Partnerships Committee**

Angie Wagenhals gave an update from the Law School Partnerships Committee. She said that the committee is focused on finding clients and opportunities for first to third year law students. Kelsi Steele is working with the committee on Missoula pro bono clinics and opportunities for students to shadow licensed attorney mentors. Angie also said that MLSA's Emeritus Pro Bono program, Second Chance Justice, is working with Klaus Sitte who will supervise law students providing advice to tenants on housing issues. Dean Kirgis added that the primary limitation to student pro bono work is a shortage of supervising attorneys and that student interest is overwhelming. Justice Baker suggested that the RIPL Fellows may be able to help supervise. Patty Fain noted that a VISTA volunteer in veteran's advocacy will be working on building capacity for the veteran's legal clinic. Judge Halligan suggested that a solicitation letter from the court inviting attorneys to work in specific areas might be a good way to get volunteers.

### **Policy and Resources Committee**

Abby St. Lawrence provided a report on the activities of the Policy and Resources Committee. She said the committee has been meeting regularly to debrief the outcome of the legislative funding request and to begin planning for the next legislature. She said that it will be important to start educating legislators much earlier in the process and to have more one-on-one conversations with legislators. Abby directed the Commission to the new bill draft in Tab 4 of the meeting materials and pointed out that the proposed plan is to split the bill in two and to start the legislation in different committees. One bill will establish the civil legal aid grant program and a companion bill will include the appropriation, enabling the legislation to begin in either the House or Senate. Abby also highlighted language in Section 2.5 that prohibits funds from being used to sue the state, except under specific circumstances, and directs that the funds would not go to for-profit firms. Justice Baker offered a revision to the bill draft, proposed by Ed Bartlett who was unable to attend the meeting: on page 2, Section 2.2, remove the words, "has a primary focus of". Justice Baker asked for a motion to approve the bill draft as revised. Rep. Kim Dudik so moved and Dan McLean seconded the motion. Justice Baker voted the proxies of Judge Halligan and Ed Bartlett in favor of the motion. The motion was approved without objection.

### **Communications and Outreach Committee**

Niki Zupanic gave an update from the Communications and Outreach Committee. The committee's priority will be to review and revise the communications materials used to support the legislative funding request and the committee will share feedback and suggested improvements with the Policy and Resources Committee. She said that the committee is looking at ways to better incorporate data from the economic impact study into the outreach materials, and they are also reviewing the Commission website to find ways to make the information more accessible. Justice Baker added that we need to refine the messaging used for legislative outreach. The information presented to legislators during the 2019 session was too dense and not concise enough to be useful. Sarah McClain said that the State Law Library staff is in charge of updating and maintaining the website and offered to work with the committee on possible design enhancements.

### **Strategic Planning Committee**

Niki Zupanic and Tara Veazey updated the group on the Justice for All (JFA) project to support the Commission's strategic planning effort. Niki directed the group to Tab 5 of the meeting materials for an amendment to the strategic plan (on page 11 of the plan) that was proposed at the June meeting, but was not voted on due to the lack of a quorum. Tara reviewed the slides that were presented at the June meeting and were included in the additional meeting materials. Justice Baker asked for a motion to approve the amendment to the strategic plan. Alison Paul so moved and Katy Lovell seconded the motion. Justice Baker voted the proxies of Judge Halligan and Ed Bartlett in favor of the motion. The motion was approved without objection.

Tara explained that because the JFA project built on an established foundation of strategic planning and legal needs studies, we were able to save project resources to begin implementation of the plan. The implementation priorities for Tara to undertake with the remaining grant funds are: simplification of court rules and procedures; education of judicial and court staff with the development of a judicial bench guide/toolkit for working with self-represented litigants; the potential formation of a technology planning committee or subcommittee; development of a statewide comprehensive civil legal justice budget for use in legislative and internal planning; and facilitated planning for the Commission and each of its standing committees. Justice Baker noted that the grant from the National Center for State Courts ends in May 2020 and that the Commission is very fortunate to have Tara on board to begin implementation activities for the duration of the grant. Finally, Tara highlighted an example of a simplification initiative for informal trials in domestic relations cases that is being piloted or implemented in a number of states, including Alaska. Justice Baker said that Tara is going to have a judges panel look at this initiative and bring information back to the Commission.

### **Karla M. Gray Award Nomination Process**

Justice Baker asked the group for comments and suggestions on improving the nomination process for the Karla M. Gray Award. She noted that the nominations are coming in too late and suggested that the Commission set an annual deadline for nominations prior to the June meeting. Ann Goldes-Sheahan said that in the past when the State Bar tried to move up the deadline, they didn't receive very many nominations. She added that they needed to do a better job of publicizing the new deadlines and that this change is needed. Ann suggested that a mid-May deadline for nominations would be appropriate, in time for the planned June 5, 2020, Access to Justice Commission Meeting.

Justice Baker thanked Ann and the State Bar for their focus on access to justice at the Annual Meeting Awards Banquet and congratulated Dan McLean for receiving the Jameson Award.

**Public Comment and 2019-2020 Meeting Dates**

Justice Baker asked for public comment. There was no public comment. Justice Baker reviewed the upcoming meeting dates and Kaylan Minor pointed out that the planned December 6, 2019, meeting may conflict with the State Bar Board of Trustees meeting. Justice Baker said she would follow up with the State Bar. The meeting was adjourned at 11:58 a.m.