

Access to Justice Commission  
Minutes  
September 24, 2009

The Access to Justice Commission met in-person at the U.W. College of Law on September 24, 2009. In attendance were Justice Jim Burke, Justice Marilyn Kite, Rick Lavery, Walter Eggers, Larry Wolfe, Denise Burke, Amanda Roberts, Sleeter Dover, Leigh Anne Manlove, Stuart Day, Rennie Polidora, Leah Swartz, and Ronda Munger.

**Update on Public Hearing Schedule**

Walter Eggers began the meeting by informing the AJC that the October public hearing in Riverton would be on October 29<sup>th</sup>, at the Riverton City Hall. Walter also reminded the AJC that we are also scheduled for a public hearing in Casper on November 9<sup>th</sup>, at the old courthouse, and November 10<sup>th</sup> in Gillette. Justice Kite raised the issue of more public hearings. She suggested that if we were serious about creating a grassroots movement then we should possibly hold an additional public hearing in Sheridan and one in Jackson. Justice Burke reported that he has been approached by some judges and law clerks about getting involved in the project. Rick Lavery provided an update on the public hearing in Evanston. Approximately forty people attended, including many judges, legislators, legal services providers, legal services clients, and private citizens. It was suggested that there needed to be a little more historical background on the AJC and the projects to be provided at the hearing. All in all it was a good meeting.

**Meeting with Circuit Judges**

Justice Burke, Rick Lavery, and Walter Eggers met with the Circuit Judges on Tuesday September 15<sup>th</sup>. The judges provided a lot of insight into the problems with the lack of legal services in Wyoming. Judge Brown explained that default judgments have sky rocketed and most of them have to do with past due medical expenses. He noted that he has a clerk who spends almost full time doing nothing but default judgments. The circuit judges agreed to designate a subcommittee to address some of the issues in the circuit court.

**Meeting with the District Court Clerks**

Walter Eggers, Larry Wolfe and Ronda Munger reported on their meeting with the district court clerks. The clerks offered many stories of hardship on the citizens that come to their court that can't afford the filing fee and the summons fee. The clerks are frustrated that there is no way to help and no one to refer the clients to. The clerks suggested the supreme court create statewide *in forma pauperis* guidelines. The clerks are researching the possibility of asking the Legislature to increase filing fees for the district courts and asked Larry Wolfe about the possibility of requesting both an increase for the AJC and the district courts in the same bill. Larry told the clerks that he would get back to them after the meeting of the AJC.

**Legislative Approach**

Larry Wolfe led a discussion which focused on moving the AJC from information gathering to action. He told the Commission that it is time to decide what approach to take with the Legislature. The goal would be to provide legal services with broader

eligibility. Meredith McBurney believes that the best legal services models are those that are set up through the Judiciary. After a very lengthy discussion, Justice Kite moved and Walter Eggers seconded a motion that the AJC take the following approach:

Summary: A state wide program to be operated by the ATJ Non-Profit (NP). This is either the Wyoming Bar Foundation or a newly created NP. The ATJ NP will coordinate all existing programs; be a vehicle to provide funds to existing programs beyond their current funding sources; hire or contract with lawyers to provide direct services; operate a state wide single point of entry; interface and coordinate with the Wyoming Bar and other entities on private attorney involvement, pro bono, educational programs; receive grants and donations and make grants; establish uniform standards for delivery of services and establish eligibility standards; operate programmatic and fiscal management programs to ensure accountability for all funds.

The state wide program will be funded from two sources, an initial \$500,000 one time appropriation from the legislature and a \$10-\$15 filing fee increase on all cases filed in state district court and circuit courts. Both the one time appropriation and the filing fee increase will be subject to legislative approval by the 2010 session. All monies will be appropriated into the Supreme Court budget. The Supreme Court will pass through the money, with appropriate oversight, to the ATJ NP.

The ATJ Commission will continue to exist to serve as the link between the Supreme Court and the ATJ NP.

The motion passed unanimously. Larry Wolfe will incorporate these ideas into the White Paper and submit it to the AJC for further discussion.

### **Law School Activities**

Leah Swartz reported to the AJC that the students at the law school are hosting a noon panel discussion on October 28<sup>th</sup> on access to justice issues. They are also planning to coordinate a law night with the Albany County Bar. Dean Stephen Easton stopped by the meeting to welcome the AJC and to offer his plans to expand the legal services clinics. The AJC watched a video produced by the law school on public service in the legal field.

### **Commission adjourned**