

Access to Justice Commission Minutes June 13, 2011

The Access to Justice Commission met at the Supreme Court Building on June 13, 2011. Those attending the meeting in person, by video or by phone were Chief Justice Marilyn Kite, Justice Jim Burke, Judge Michael Davis, Judge Timothy Day, Judge Keith Kautz, Judge Curt Haws, Pat Day, Larry Wolfe, Sleeter Dover, Dona Playton, Denise Burke, Brian Hultman, Jack Speight, Ray Machia, Diane Bauersfeld, Kristin Karr, Rick Lavery, Ann Lavery, John Aimone, Dan Fleck, Chris Reimer, Pam Gagel, Joann Odendahl, Ronda Munger and Becky Craig.

Opening Remarks

Justice Burke opened the meeting by making introductions and welcoming all of the participants. He explained that the purpose of the meeting was to get everyone together to raise awareness of what is happening now, what needs to happen in the future, and how all of the efforts can best be coordinated.

Court's Activities & Rule 1 Initiative

Chief Justice Kite gave a summary of what the Court has been doing to date. She explained that it isn't just focusing on providing legal services to income eligible individuals, but on managing certain aspects of the courts to help make courts more accessible to the people who understand and are able to handle the system themselves, as well as those who can't afford lawyers and aren't able to handle the system. She reported on the Rule 1 Initiative and its efforts to create civil rules that are more efficient and cost effective; the increase in jurisdiction in the circuit courts to help to that end; the creation of a simplified set of civil procedural rules in circuit courts; the creation of an electronic filing system in the district and circuit courts; and the use of technology to improve access to the courts. She also explained the consortium of 5 western states that will be meeting this summer to have teams that consist of a district judge, judicial assistant and clerk of the district court brainstorm ways to control the docket and to make the courts more efficient and effective.

Wyoming Rules of Civil Procedure for Circuit Courts

Judge Haws, on behalf of the Circuit Court Judges, thanked the AJC for its efforts to address the very real needs of those individuals who lack the ability and knowledge to protect themselves and bring their issues before a court. Judge Haws explained the process that the committee went through in developing the Wyoming Rules of Civil Procedure for Circuit Courts. He reviewed the various changes that were made. He explained that the rules were drafted with the pro se litigant in mind, and that every attempt was made to ensure that they are very clear. The committee will keep very careful track of what happens over the next year, and they will report back to the Supreme Court as to how well the rules are working. Chief Justice Kite commented that if they are found to be effective, they could possibly be looked at as a model for use in small civil cases in the district courts.

Domestic Relations Committee

Judge Kautz spoke about the Domestic Relations Committee. The Committee is interested in two things right now: the first is to gather statistical information to verify if problems actually exist in terms of the timeliness of domestic relation cases; and the second is to come up with some specific proposals that will improve the process for people involved in domestic relation cases. Judge Kautz explained that there is also a subcommittee researching what surrounding states are doing in this regard. Pam Gagel from the Institute for the Advancement of the American Legal System spoke about her work with the Colorado Access to Justice Commission and its use of family court facilitators.

Supreme Court Initiatives

Joann Odendahl reported that the balance in the Wyoming Center for Legal Aid's fund is approximately \$980,000.00 to date. The e-payment option that is now available allows the \$10.00 civil legal services fees to be paid into the fund automatically. There will also be a collection procedure developed to persuade people to pay their court costs, fines and fees as soon as possible. Approximately \$4,000 of the funds have been used, in conjunction with federal funds from the office of Legal Aid of Wyoming, to work on website development. Funds that were in the "Pro Se Packet Special Revenue Fund" were used to contract with Amanda Roberts, a Sheridan attorney, to revise the pro se forms to make sure that they are in compliance with the redaction rules. Amanda is now going back through the packets to minimize the number of forms in order to make them more user-friendly. The forms will eventually be put on the Wyoming Center for Legal Aid's website in a fill-in-able format.

Local Access to Justice Committees

Rick Lavery spoke about the various Local Access to Justice Committees and their efforts. He noted that there are many organizations, outside of the legal community, who are begging for help because they have clients whose legal needs are not being met. He commented that Cheyenne's Access to Justice Committee is very advanced and could possibly be used as a pilot for the whole state. Judge Davis spoke about that group's efforts and their belief that the area of domestic relations is the most pervasive. They feel that having trained volunteer mediators available would be a very helpful tool. Judge Day reported on Teton County's efforts. Their committee hopes to schedule some public forums and to hold events where volunteers would be available to help people fill out pro se forms.

Legal Aid of Wyoming

Ray Machia reported on the Legal Aid of Wyoming program. They currently have four full-time offices located in Cheyenne, Casper, Lander and the Wind River Indian Reservation. He reviewed the types of cases that are being handled and the current income and expenses of the program. They are currently on track to surpass the number of cases that they handled in 2010.

Pro Bono Efforts

Jack Speight spoke about his efforts to provide pro bono services. He pointed out that there are many issues that are just not able to be worked out on forms or on the internet, and that there are many people who just don't have access to the internet. He stressed that assistance in the area of mediation would be very beneficial.

State Bar Committee Work

Brian Hultman and Sleeter Dover reported that the Wyoming State Bar has developed an Emeritus Program, effective August 1st, which will allow experienced lawyers to volunteer their legal skills to provide pro bono legal services. The Bar will provide malpractice insurance for those applicants who are accepted. The program will be organized in such a way that they'll be able to track the number of people that are being served and the types of cases that are being handled. Their goal is to have at least one person in each county enrolled as a member of the Emeritus Program. Brian also informed the group that they have put together a "Law Night In A Box" program that will aid local bar associations in creating their own law nights. The Bar has also been recognizing a deserving individual with a pro bono award which is presented annually at the State Bar meeting. The Young Lawyers' section is very active, and the Bar is trying to foster their relationship with that group. The Bar is also moving forward with their 12 month mandatory mentoring program where new members will work with a mentor in certain areas of the law. One of the areas that is on the checklist for them to complete is the discussion of pro bono responsibilities and what that means. Brian hopes that this requisite will possibly be expanded to require the new members to actually perform pro bono work.

Wyoming Center for Legal Aid

Pat Day spoke about the structure of the Wyoming Center for Legal Aid and how it got to where it is today. He explained that its Rules were adopted in late April, at which point the Wyoming Center for Legal Aid came into formal existence. Pat cautioned that the Center needs to conform to the statutory limits on the nature of services for which state funds can be used, and to the limits on what the Center can do in terms of providing services. They also need to pay particular attention to having accounting and reporting systems in place to allow for auditing. A staff attorney will be hired by early July, and the attorney's office will temporarily be located at the Supreme Court building. Pat explained some of the challenges for the Center and various ideas for the development of programs and policies. A lengthy discussion was held about the direction of the Center. The Center will present a draft of its plan and its budget to the AJC by the middle of July.

Website Committee

Ronda Munger updated the group on the development of the website. She reported that it is very close to being up and running, however, it is lacking content for the subject areas. The Center does not have anyone at this time to write the general content, and therefore is in search of attorneys who might be able to lend their expertise and pro bono services to develop content in the particular subject areas. It is hoped that this website will become the central clearing house for all Wyoming civil legal services information and will have links available to other websites.

Meeting adjourned.